

JOURNAL
OF THE
House of Representatives
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1997

HELD IN THE CITY OF MONTGOMERY, ALABAMA
COMMENCING TUESDAY, FEBRUARY 4, 1997

VOL. 1

WITH AN INDEX PREPARED BY THE
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**JOURNAL
OF THE
HOUSE OF REPRESENTATIVES
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1997**

FIRST DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 4, 1997**

JOURNAL

of the House of Representatives of the State of Alabama of the Regular Session of 1997, begun and held at the State House in the City of Montgomery, State of Alabama, on the first Tuesday in February, 1997, being the fourth day of the month in the Year of our Lord, One Thousand Nine Hundred and Ninety-Seven, at 12 o'clock Noon, on which day, the day fixed by law and the Constitution for the meeting of the Legislature of Alabama, the House was called to order by the Honorable James S. Clark, Speaker of the House of Representatives.

PRAYER

The session was opened with prayer by Reverend Leo Brannon, First United Methodist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Blane Dolbare, 6th Grade, Millry High, Millry, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT FILED

The Report of the Joint Interim Legislative Committee on State Health Planning and Certificate of Need Process created by Act No. 96-589 was submitted by Senator J. T. "Jabo" Waggoner, Chairman, to the Alabama Legislature of 1997, and the report was ordered filed.

RESOLUTIONS

The following resolutions were introduced:

By Representative Hammett:

H.R. 1. NOTIFY SENATE.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That the Clerk of the House of Representatives notify the Senate that the House is now in session and is ready for the transaction of public business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.R. 1, was adopted.

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Also:

By Representative Hammett:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a committee of six, consisting of three members of the House, to be named by the Speaker of the House, and three members of the Senate, to be named by the Presiding Officer of the Senate, be appointed to notify Governor that the Legislature is now in session and is ready for the transaction of business.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 2, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McKee, Laird and Minnifield.

Also:

By Representative Hammett:

H.J.R. 3. INVITATION FOR JOINT ADDRESS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a joint session of the House and Senate be held at 6:30 p.m. on Tuesday, February 4, 1997, for the purpose of hearing the message of the Honorable Fob James, Governor of Alabama.

BE IT FURTHER RESOLVED, That a committee of six, consisting of three members from the House, to be named by the Speaker of the House, and three members from the Senate, to be named by the Presiding Officer of the Senate, be appointed to wait upon the Governor and advise him that the two Houses will meet in joint session at the hour named above, for the purpose of receiving his message, and that said Committee also serve as a Committee to escort the Governor to the House Chamber in the Capitol for the joint session.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 3, was adopted.

COMMITTEE APPOINTED

The Speaker appointed as a committee on the part of the House, Representatives McKee, Laird and Minnifield.

Also:

By Representative Hammett:

H.J.R. 4. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Tuesday, February 4, 1997, they adjourn to meet again on Thursday, February 6, 1997, and when they adjourn on Thursday, February 6, 1997, they adjourn to meet again on Wednesday, February 12, 1997, and when they adjourn on Wednesday, February 12, 1997, they adjourn to meet again on Thursday, February 13, 1997, and when they adjourn on Thursday, February 13, 1997, they adjourn to meet again on Tuesday, February 18, 1997, and when they adjourn on Tuesday, February 18, 1997, they adjourn to meet again on Thursday, February 20, 1997, and when they adjourn on Thursday, February 20, 1997, they adjourn to meet again on Tuesday, February 25, 1997, and when they adjourn on Tuesday, February 25, 1997, they adjourn to meet again on Thursday, February 27, 1997, and when they adjourn on Thursday, February 27, 1997, they adjourn to meet again on Tuesday, March 4, 1997, and when they adjourn on Tuesday, March 4, 1997, they adjourn to meet again on Thursday, March 6, 1997, and when they adjourn on Thursday, March 6, 1997, they adjourn to meet again on Tuesday, March 11, 1997, and when they adjourn on Tuesday, March 11, 1997, they adjourn to meet again on Thursday, March 13, 1997, and when they adjourn on Thursday, March 13, 1997, they adjourn to meet again on Tuesday, March 18, 1997, and when they adjourn on Tuesday, March 18, 1997, they adjourn to meet again on Wednesday, March 19, 1997, and when they adjourn on Wednesday, March 19, 1997, they adjourn to meet again on Thursday, March 20, 1997, and when they adjourn on Thursday, March 20, 1997, they adjourn to meet again on Tuesday, March 25, 1997, and when they adjourn on Tuesday, March 25, 1997, they adjourn to meet again on Thursday, March 27, 1997, and when they adjourn on Thursday, March 27, 1997, they adjourn to meet again on Tuesday, April 8, 1997, and when they adjourn on Tuesday, April 8, 1997, they adjourn to meet again on Thursday, April 10, 1997, and when they adjourn on Thursday, April 10, 1997, they adjourn to meet again on Tuesday, April 15, 1997, and when they adjourn on Tuesday, April 15, 1997, they adjourn to meet again on Wednesday, April 16, 1997, and when they adjourn on Wednesday, April 16, 1997, they adjourn to meet again on Thursday, April 17, 1997, and when they adjourn on Thursday, April 17, 1997, they adjourn to meet again on Tuesday, April 22, 1997, and when they adjourn on Tuesday, April 22, 1997, they adjourn to meet again on Thursday, April 24, 1997, and when they adjourn on Thursday, April 24, 1997, they adjourn to meet again on Tuesday, April 29, 1997, and when they adjourn on Tuesday, April 29, 1997, they adjourn to meet

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again on Wednesday, April 30, 1997, and when they adjourn on Wednesday, April 30, 1997, they adjourn to meet again on Thursday, May 1, 1997, and when they adjourn on Thursday, May 1, 1997, they adjourn to meet again on Tuesday, May 6, 1997, and when they adjourn on Tuesday, May 6, 1997, they adjourn to meet again on Thursday, May 8, 1997, and when they adjourn on Thursday, May 8, 1997, they adjourn to meet again on Monday, May 19, 1997, and when they adjourn on Monday, May 19, 1997, they adjourn sine die.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 4, was adopted.

Also:

By Representative Carter:

H.J.R. 5. MOURNING THE DEATH OF GRANVILLE TURNER OF TONEY, ALABAMA.

The resolution, H.J.R. 5, was read and referred to the Standing Committee on Rules.

MOTION IN WRITING FILED

Representative Holmes filed the following Motion in Writing:

MOTION IN WRITING THAT THE SPEAKER OF THE HOUSE OF REPRESENTATIVES BE REMOVED BY THE HOUSE UPON A MAJORITY VOTE OF ALL THE MEMBERS ELECTED AND AN ELECTION BE HELD TO ELECT A SUCCESSOR.

Mr. Speaker:

Pursuant to the constitutional authority and the Rules of the House of Representatives of Alabama enumerated herein, I make a motion which includes all of the following:

1. That the Speaker of the House of Representatives be removed from office.
2. That it is necessary that an election be conducted to fill the office of Speaker of the House of Representatives, which shall be conducted in the same manner as the election is conducted in an Organizational Session.
3. That pursuant to Section 83 of the Constitution of Alabama of 1901, members shall vote viva voce, and pursuant to House Rule 48 this voting process means "the names of members shall be called alphabetically and each member shall answer from his seat."

4. That House Rule 18 be enforced in regard to this motion, which provides, "When any motion...or other matters are before the House, it will not be in order to entertain a substitute motion for the passage of a bill, resolution or other matters not before the House."

The authority for this motion is all of the following:

1. Amendment 57 of the Constitution of Alabama of 1901, which specifies "At the beginning of each such organization session, and at such other times as may be necessary,...the house of representatives shall elect one of its members as speaker, to preside over its deliberations. The...speaker of the house of representatives shall...hold his...office until his successor has been elected and qualified."

2. House Rule 88, which states "On all matters not specifically addressed in these rules, Mason's Manual of Legislative Procedure, 1989 Edition, shall apply.

3. Section 581 of Mason's Manual of Legislative Procedure, 1989 Edition, (page 409), entitled "Removal of Presiding Officer" which provides, "A presiding officer who has been elected by the house may be removed by the house upon a majority vote of all the members elected.... When there is no fixed term of office, an officer holds office at the pleasure of the organization or until a successor is elected and qualified."

The removal of the Speaker of the House of Representatives from office and an election to fill the office of the Speaker of the House of Representatives are necessary because Speaker of the House of Representatives James S. Clark has knowingly and consistently violated the following constitutional and procedural provisions:

1. House Rule 47, by ending permissible debate, when the moving of the previous question under House Rule 25 has not been invoked.

2. House Rule 67, by requiring chairs of committees to violate this rule regarding honoring a request for a public hearing, and instead, requiring the chair to report favored bills for a second reading.

3. Section 44 of the Constitution of Alabama of 1901, which mandates a representative form of government, by making appointments to influential committees on the basis of private agreements concerning support of certain positions, while refusing to appoint members representing citizens holding diverse opinions.

4. Joint Rule 17, regarding committees on conference, by denying the conference committee an opportunity to reconcile the differences on pending legislation between the two houses, but instead, dictating, prior to a meeting, the position to be advocated by House conferees.

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5. Amendment 543 of the Constitution of Alabama of 1901, regarding appointments to the Board of Trustees of the Forever Wild Land Trust, by failing to fulfill mandated appointment duties.

6. House Rule 45, by failing to refrain from making personal comments of an unprofessional, derogatory, and demeaning nature regarding members.

7. Article IV of the Constitution of Alabama of 1901, providing for the Legislative Department, by abusing the constitutionally prescribed power of the office of the Speaker for purposes of intimidating public officials to support certain policies and positions.

MOTION TABLED

On motion of Representative Turner, the Motion in Writing offered by Representative Holmes was tabled.

Yeas 80; Nays 2.

Yea:

Representatives Allen, Baker, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Holmes and Perdue.

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MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to advise the House that the Senate is now in session and is ready for the transaction of public business.

McDOWELL LEE
Secretary

FIRST READING ON PREFILED BILLS

Bills which had been prefiled and assigned to appropriate standing committees prior to the convening of this Regular Session, pursuant to Joint Rule 10 of the two Houses of the Legislature, were introduced severally, read one time and formally referred to the same committees as follows:

By Representative Haney:

H. 1. To provide immunity from civil liability for malpractice for certain attorneys appointed to represent indigent clients.

COMMITTEE ON JUDICIARY

By Representative Haney:

H. 2. To amend Sections 2 and 9 of Act No. 95-314, 1995 Regular Session, now appearing as Sections 16-13-231 and 16-13-238, Code of Alabama 1975, relating to the local funding of public schools; to provide graduated increases for the minimum amount of local funding; and to provide further for reductions of program fund allocations.

COMMITTEE ON WAYS AND MEANS

By Representative Haney:

H. 3. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

COMMITTEE ON BANKING

By Representative Wren:

H. 4. Creating the General Fund Proration Prevention Act of 1997 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 5. To require the posting of personnel vacancy positions by public school systems, public schools or colleges under the control and auspices of the State Board of Education and certain other public educational institutions before the positions are filled; to establish definitions; and to provide for the adoption of board policies, including temporary emergency situations.

COMMITTEE ON EDUCATION

By Representative Fuller:

H. 6. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 7. To make an appropriation from the State General Fund in the amount of \$2,550,000 to the full member Children's Advocacy Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Burke:

H. 8. Relating to the punishment of sex offenders; to provide for the use of medroxyprogesterone treatment for persons convicted of certain sex offenses against a child under the age of 13 years.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 9. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$500,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 10. To prohibit physicians from performing partial-birth abortions and prescribing penalties for violations of this act.

COMMITTEE ON HEALTH

By Representative Hooper:

H. 11. To propose an amendment to the Constitution of Alabama of 1901, to prohibit physicians from performing partial-birth abortions and prescribing penalties for violations of this amendment.

COMMITTEE ON HEALTH

The above bill was read a first time at length as required by the Constitution.

By Representatives Drake and Morrison:

H. 12. To amend Section 10-5-1 of the Code of Alabama 1975, relating to the exercise of the power of eminent domain by railroads and other public utilities, to further provide for the exercise of eminent domain by natural gas pipeline corporations.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Ford, Hawk, Galliher, and Hall (A):

H. 13. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Ford:

H. 14. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

COMMITTEE ON JUDICIARY

By Representative Morrison:

H. 15. To amend Section 22-27-48, Code of Alabama 1975, relating to the implementation of local plans for solid waste disposal and the application process by units of local government for facility permits, so as to require an intervening waiting period on the consideration of an application by units of local government which have submitted previous applications.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

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By Representatives Morrison and Hooper:

H. 16. Relating to motor vehicle distinctive license tags or plates; to further provide for distinctive motor vehicle license tags or plates for members of the Masons, the Scottish Rite, or the Eastern Star; for emergency medical technicians; and for supporters of the Boy Scouts or Girl Scouts; to provide for the fees for the distinctive license tags or plates and for the disposition of the net proceeds from the fees; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 17. To amend Sections 36-30-20, 36-30-21, and 36-30-22, Code of Alabama 1975, relating to compensation for disability or death of municipal and other peace officers and law enforcement officers for certain defined occupational diseases; to extend the coverage of benefits for death or disability from certain occupational diseases of peace officers and law enforcement officers of the state, or any local entity thereof; and to further define the classes of persons to whom benefits are available.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Morrison and Fuller (With Notice and Proof):

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 18, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Morrison (With Notice and Proof):

H. 19. Relating to Cullman County; to amend Section 4 of Act No. 85-128, 1985 Regular Session, to waive the mailout fee on motor vehicle license tags for motor vehicle owners who are handicapped or disabled or who are 65 years of age or older.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 19, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Morrison and Drake:

H. 20. To make a \$3,000,000 supplemental appropriation from the Education Trust Fund for the fiscal year ending September 30, 1997, to the Cullman County Board of Education for capital outlay purposes for the replacement of or repairs to schools damaged by fire.

COMMITTEE ON WAYS AND MEANS

By Representative Morrison:

H. 21. To amend Section 13A-5-49 of the Code of Alabama 1975, relating to aggravating circumstances for the imposition of the death penalty; to provide that the murder of two or more persons during one course of conduct by a defendant would be an aggravating circumstance which would warrant the imposition of the death penalty.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 22. To amend Sections 26-19-1, 26-19-2, 26-19-3, and 26-19-4 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Missing and Exploited Children Bureau; and to provide that the bureau would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

COMMITTEE ON JUDICIARY

By Representative Sims:

H. 23. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Newton (D):

H. 24. To provide an exception for the production of beer and wine for personal or family use; to permit persons not prohibited from purchasing, consuming, possessing, or transporting alcoholic beverages under Section 28-1-5, Code of Alabama 1975, to produce beer and wine on their household premises for personal or family use, but not for sale, without payment of any taxes, or fees, or without a license; to allow production of the beer or wine for personal and family use in certain quantities under certain conditions; to provide limited circumstances in which the beer or wine may be removed from the household premises; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Curry (With Notice and Proof):

H. 25. Relating to Jefferson County; to assign place numbers to the five positions on the Jefferson County Board of Education.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 25, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Petelos and Morrison:

H. 26. To amend Section 13A-5-49 of the Code of Alabama 1975, relating to aggravating circumstances for the imposition of the death penalty; to provide that the intentional killing of two or more persons by one act or pursuant to one scheme or course of conduct is a capital offense; and to provide that a murder committed in a series of intentional killings committed by the defendant is a capital offense.

COMMITTEE ON JUDICIARY

By Representative Drake:

H. 27. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

COMMITTEE ON WAYS AND MEANS

By Representative Maul:

H. 28. To exempt all property owned and used by the Selma Art Guild and Gallery from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Clouse:

H. 29. To amend Sections 36-34-1 and 36-34-2, Code of Alabama 1975, to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Clouse (With Notice and Proof):

H. 30. Relating to Houston County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for an auction and for the disposition of proceeds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 30, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse (With Notice and Proof):

H. 31. Relating to Houston County; to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; and a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 31, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse (With Notice and Proof):

H. 32. Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 32, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Maul:

H. 33. To reopen the Employees' Retirement System to allow an active and contributing member to purchase credit in the system for prior service rendered to a local mental health authority and to provide for payment of the costs of purchasing the service credit.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 34. To create a new district judgeship for the Fifth Judicial Circuit; to provide for the appointment, subsequent election, and residency of this judge; to provide for an appropriation from the State General Fund to the Unified Judicial System for the fiscal year in which the judgeship is filled; and to provide for an appropriation from the State General Fund to the Office of the Circuit Clerk of Chambers County in the amount of \$90,000 for the fiscal year in which the judgeship is filled.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 35. To provide for the enactment by the State of Alabama of the Apalachicola-Chattahoochee-Flint River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 36. To provide for the enactment by the State of Alabama of the Alabama-Coosa-Tallapoosa River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

COMMITTEE ON WAYS AND MEANS

By Representative Clouse:

H. 37. To authorize the city council of any Class 5 municipality with a city manager or a mayor commission form of government to adopt an alternate structure for the membership on the board of adjustment created pursuant to

Section 11-52-80 of the Code of Alabama 1975; to authorize the city councils to provide by ordinance for the appointment of the board; and to provide for the number of concurring votes on the board.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Ford:

H. 38. Providing for a member of the Employees' Retirement System to purchase credit in the system for certain prior service rendered to the United States Social Security Administration by a certain date.

COMMITTEE ON WAYS AND MEANS

By Representative Gipson:

H. 39. To amend Section 11-51-90, Code of Alabama 1975, to provide further for licensing of conduct of a trade, business, profession, or occupation within a city or town.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Gipson:

H. 40. To prohibit the construction of a fence around the Autauga Campus of the Alabama Department of Youth Services.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Clouse and Carothers:

H. 41. To exempt Dothan Botanical Gardens and Landmark Park in Dothan from all state and local business license taxes; to exempt all property owned and used by Dothan Botanical Gardens and all property owned and used by Landmark Park from any state, county, and local ad valorem taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Ford:

H. 42. To amend Section 41-16-51 of the Code of Alabama 1975, to exempt certain public contracts for purchases of software from competitive bid requirements.

COMMITTEE ON WAYS AND MEANS

By Representative Graham:

H. 43. To require the posting of personnel vacancy positions by public school systems, public schools or colleges under the control and auspices of the State Board of Education and certain other public educational institutions before the positions are filled; to establish definitions; and to provide for the adoption of board policies, including temporary emergency situations.

COMMITTEE ON EDUCATION

By Representative Laird:

H. 44. Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Morrison and Parker (T):

H. 45. To make a supplemental appropriation of \$250,000 from the State General Fund to the Alabama Fire College for the fiscal year ending September 30, 1997 for the construction of a monument for firefighters, specifically including volunteer firefighters, killed in the line of duty.

COMMITTEE ON WAYS AND MEANS

By Representatives Morrison and Parker (T):

H. 46. To make an appropriation of \$250,000 from the State General Fund to the Alabama Fire College for the fiscal year ending September 30, 1998 for the construction of a monument for firefighters, specifically including volunteer firefighters, killed in the line of duty.

COMMITTEE ON WAYS AND MEANS

By Representative Houston:

H. 47. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in

an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Houston:

H. 48. To provide that only an authorized representative of the manufacturer or distributor may offer drugs, cosmetics, medical devices, and baby food and infant formula for sale at a flea market; to provide that the representative shall carry proof of authorization; and to provide penalties for violations.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Houston:

H. 49. To provide for a distinctive motor vehicle license tag or plate for members and supporters of fraternities and sororities; to prescribe the fees for the tags or plates; to provide for disposition of the net proceeds from the fees; to create the Alabama Fraternity/Sorority Scholarship Committee and Fund; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Clouse:

H. 50. Relating to limited partnerships and foreign limited partnerships, to amend Sections 10-9A-2 and 10-9A-163 of the Code of Alabama 1975, so as to permit the abbreviation "L.P." in the name of these partnerships.

COMMITTEE ON JUDICIARY

By Representative Smith:

H. 51. To provide for payment to the designated beneficiary of a deceased member of the Teachers' Retirement System for a certain amount of accrued and unused sick leave which the member was credited with at the time of death and to appropriate funds therefor.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 52. To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

COMMITTEE ON JUDICIARY

By Representative Newton (D):

H. 53. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1996 First Special Session and the 1996 Regular Session of the Legislature as contained in the 1996 Cumulative Supplement to certain volumes of the Code and in the 1996 Replacement Volume 4 of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volume; to expressly provide that this act does not affect any 1996 Second Special Session statute or any 1997 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (D):

H. 54. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 55. To amend Section 13A-11-11, Code of Alabama 1975, relating to falsely reporting, initiating, or circulating a false report of an alleged occurrence of fire, explosion, catastrophe, or other emergency under certain circumstances, to increase the penalty for falsely reporting an incident of a bomb or explosion.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 56. To require each local school board to establish a written reduction-in-force policy.

COMMITTEE ON EDUCATION

By Representative Hawk:

H. 57. Relating to inmates in municipal or county jails or state correctional institutions; to require the warden or superintendent to immediately notify the next of kin upon the death of an inmate; and to permit the performance of an independent autopsy upon the request of any relative of the deceased.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 58. Providing for a jury of six jurors in civil cases.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 59. To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 60. Requiring the Alabama Medicaid Agency to pay the costs of reserving a bed in a nursing home for a certain period of time for a Medicaid patient in a hospital who was admitted to the hospital from the nursing home.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 61. Relating to boats and vessels; to prohibit the unauthorized alteration of identification numbers on or the registration information relating to boats, outboard motors, or identifiable component parts thereof; to provide criminal penalties for violations, including illegal possession thereof; and provide for forfeiture procedures under certain conditions.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 62. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

COMMITTEE ON JUDICIARY

By Representative Hawk:

H. 63. To amend Section 25-4-77 of the Code of Alabama 1975, relating to unemployment compensation, to provide for documentary evidence of separation from employment as a requirement for benefits eligibility.

COMMITTEE ON BUSINESS AND LABOR

By Representative Rogers (M):

H. 64. To amend Section 36-16-8 of the Code of Alabama 1975, to provide further for the inventory control of state property by the Office of the State Auditor.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Ford and Galliher:

H. 65. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Sanderson, Curry, Hawkins, Carns, Townsend, Morton, and Gaines (With Notice and Proof):

H. 66. Relating to the City of Birmingham in Jefferson County; prohibiting the Birmingham Water Works and Sewer Board from making charitable contributions and expending funds for public relations.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 66, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Sims:

H. 67. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs and to permit participation in a retirement system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Laird:

H. 68. To require all state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 69. Relating to the allocation of volumes of the acts and resolutions of each legislative session; to amend Section 36-14-11 of the Code of Alabama 1975; to adjust the allocation; and to permit a recipient upon written request to reduce or refuse a specified allocation.

COMMITTEE ON WAYS AND MEANS

By Representative Petelos:

H. 70. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act 96-341, S. 208, 1996 Regular Session (Acts 1996, p. 416), and by Act 96-705, S. 182, 1996 Regular Session (Acts 1996, p. 1176), relating to driving under the influence of alcohol and drugs; to provide that the sentence of a person who is convicted of driving a motor vehicle while under the influence of alcohol or a controlled substance shall be enhanced if the person has been arrested for driving a motor vehicle while under the influence of alcohol or a controlled substance within a five-year period and the arrest has resulted in a conviction.

COMMITTEE ON WAYS AND MEANS

By Representatives Gipson and Wren:

H. 71. Relating to the Public Service Commission; amending Sections 37-1-12, 37-1-12.1, and 37-1-16 of the Code of Alabama 1975, to provide further for the employment of certain personnel by the Public Service Commission; and repealing Section 37-1-12.2 of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Flowers:

H. 72. To amend Section 16-25-11.6 of the Code of Alabama 1975, to provide further for purchase of credit in the Teachers' Retirement System for service rendered as a teacher in a United States Army school under certain conditions.

COMMITTEE ON WAYS AND MEANS

By Representatives Gipson and Wren:

H. 73. To amend Section 8-6-58, Code of Alabama 1975, relating to personnel of the Alabama Securities Commission, to allow the Director of the Securities Commission to employ such special agents as may be necessary to perform investigatory functions for the commission and to provide for their powers.

COMMITTEE ON STATE ADMINISTRATION

By Representative Melton:

H. 74. To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, relating to punishment for traffic violations; to impose an additional penalty of \$50 on any person found guilty of driving a motor vehicle with a revoked, suspended, or cancelled driver's license or without a driver's license; to provide that the additional penalty minus a five percent administrative charge be allocated to the Traffic Safety Trust Fund in the State Treasury; and to provide that the Traffic Safety Section of the Alabama Department of Economic and Community Affairs administer the proceeds.

COMMITTEE ON HIGHWAY SAFETY

By Representative Fuller:

H. 75. To create the Judicial Education Trust Fund; to increase the docket fee on certain municipal, district, and circuit court cases; to specify the distribution and use of the fees; and to make an appropriation of \$3,900,000 from the fund for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 76. To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 77. To make a supplemental appropriation from the Office of the Attorney General's Miscellaneous Receipts in the amount of \$700,000 to the Office of the Attorney General for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Gipson:

H. 78. To provide for purchase of service credit in the Employees' Retirement System or Teachers' Retirement System for a period of time while a member of the system was receiving workers' compensation benefits subject to certain conditions.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue:

H. 79. To amend Sections 41-16-20 and 41-16-50 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

COMMITTEE ON STATE ADMINISTRATION

By Representative Perdue:

H. 80. To amend Section 41-16-57 of the Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which contracts for the purchase of personal property or contractual services may be awarded.

COMMITTEE ON STATE ADMINISTRATION

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Layson:

H. 81. To provide assistance to physically disabled and handicapped registered voters in casting ballots.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Layson:

H. 82. To amend Sections 34-27A-9 and 34-27A-11, Code of Alabama 1975, to provide for the licensing of land appraisers and to exempt the requirements for licensing of registered foresters as land appraisers for a specified period.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Layson:

H. 83. To further provide for the control and regulation of equines and to prohibit certain public display, exhibit, housing, or use of an equine in public or in a public facility without a certificate from a licensed veterinarian that the equine is free of infectious anemia; to provide penalties for violations; to provide for certain testing and certification by a licensed veterinarian which will meet the requirements of this act; to authorize the state veterinarian to promulgate reasonable rules and regulations subject to approval by the Board of Agriculture and Industries; and to provide that this act is supplemental to all laws and regulations relating to the control of infectious disease generally in livestock.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Laird:

H. 84. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the term of office of county commissioner; to provide for the commencement of the term of office of county commissioners in all counties; and to prohibit the county commission from meeting after the election of any member of the commission before the first scheduled meeting except in the case of a declared emergency.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Layson:

H. 85. To prohibit physicians from performing partial-birth abortions and prescribing penalties for violations of this act.

COMMITTEE ON HEALTH

By Representative Newton (D):

H. 86. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1996 First Special Session and the 1996 Regular Session of the Legislature as contained in the 1996 Cumulative Supplement to certain volumes of the Code and in the 1996 Replacement Volume 4 of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volume; to expressly provide that this act does not affect any 1996 Second Special Session statute or any 1997 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

COMMITTEE ON WAYS AND MEANS

By Representative Millican (With Notice and Proof):

H. 87. Relating to Marion County; to amend Section 4 of Act No. 80-128, 1989 Regular Session, as amended by Act No. 91-453, 1991 Regular Session, to provide further for the disposition of the proceeds from the sale of county property.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 87, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Carter:

H. 88. To amend Sections 40-12-240, 40-12-246, and 40-12-258, Code of Alabama 1975, relating to jitney buses, and to repeal Section 40-12-245, Code of Alabama 1975, to abolish the separate category of jitney buses for licensing and registration purposes.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

REGULAR SESSION
1st Day

29

By Representative Carter:

H. 89. To allow an active and contributing member of the Employees' Retirement System to purchase up to a certain amount of prior service credit in the system for service rendered as an employee of a welcome center.

COMMITTEE ON WAYS AND MEANS

By Representative Dolbare:

H. 90. To provide for distinctive motor vehicle license plates to honor Alabama's Indian heritage; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawkins, Curry, Knight (A), Fuller, and Clark (J):

H. 91. To amend Section 32-5B-6 of the Code of Alabama 1975, relating to the issuance of citations for failure to wear a safety belt while a motor vehicle is in motion; and to repeal Section 32-5B-6 of the Code of Alabama 1975, effective January 1, 1997.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Ford, Galliher, Page, Hall (A), and Hooper:

H. 92. To amend Section 36-26-35 of the Code of Alabama 1975, relating to public officers and employees; to provide for payment for a certain specified number of annual leave hours at the regular rate of pay to persons with annual leave in excess of the maximum number of days allowed to be carried over at the end of each year.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 93. To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 94. To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 95. To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 96. To make an appropriation of \$62,761 from the State General Fund to the Tri-Rivers Waterway Development Authority for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 97. To make an appropriation of \$100,000 from the State General Fund to the Alabama Travel Council for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 98. To make appropriations for the ordinary expenses of the executive, legislative and judicial agencies of the State, for other functions of government, for debt service, and for capital outlay for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 99. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal years beginning October 1, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 100. To make an appropriation of \$1,182,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998 and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 101. Proposing an amendment to the Constitution of Alabama of 1901 creating the Education Trust Fund and to provide for appropriations from the fund in the education budget; and to further provide for the appropriation of the use tax levied in this state.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Fuller and Curry:

H. 102. To make an appropriation of \$1,450,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 103. To create a new district judgeship for the Fifth Judicial Circuit; to provide for the appointment, subsequent election, and residency of this judge; to provide for an appropriation from the State General Fund to the Unified Judicial System for the fiscal year in which the judgeship is filled; and to provide for an appropriation from the State General Fund to the Office of the Circuit Clerk of Chambers County in the amount of \$90,000 for the fiscal year in which the judgeship is filled.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 104. To make an appropriation of \$381,534 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 105. To make an appropriation of \$23,262,924 from the Education Trust Fund, an appropriation of \$2,751,000 from the Driver Impaired Trust Fund, and an appropriation of \$85,463,872 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 106. To make an appropriation of \$261,317 from the Education Trust Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 107. To provide for a FY 1996-97 supplemental appropriation in the amount of \$100,000 from the Board for Registration of Architects Fund to the Alabama Board for Registration of Architects.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 108. To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 109. To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 110. To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 111. To make an appropriation of \$35,750,373 from the Education Trust Fund and an appropriation of \$727,670 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy and Curry:

H. 112. To make an appropriation of \$13,041 from the State General Fund to the Alabama's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy and Curry:

H. 113. To make an appropriation of \$56,347 from the State General Fund to the America's Junior Miss Pageant for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 114. To make an appropriation of \$325,000 from the State General Fund to the Alabama Kidney Foundation, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 115. To make an appropriation of \$93,442 from the State General Fund to the Coosa-Alabama River Improvement Association, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 116. To make an appropriation of \$61,853 from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 117. To make an appropriation of \$192,600 from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 118. To make an appropriation of \$759,674 from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 119. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 120. To make an appropriation of \$35,050 from the State General Fund to the Beacon House - Jasper for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 121. To make an appropriation of \$69,650 from the State General Fund to the Commission on Aging for the Care Assurance System for the Aging and Homebound for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 122. To make an appropriation of \$934,000 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 123. To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 124. To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 125. To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 126. To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 127. To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 128. To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 129. To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 130. To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy, Curry, and Fuller:

H. 131. To make an appropriation of \$1,382,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 132. To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 133. To make an appropriation of \$69,933 from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 134. To make an appropriation of \$100,000 from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 135. To make an appropriation of \$350,000 from the State General Fund to the Alabama Sentencing Institute for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 136. To make an appropriation of \$291,593 from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 137. To make an appropriation of \$42,500 from the State General Fund to the Parkinson Association of Alabama for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 138. To make an appropriation of \$18,600 from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Dukes and Hayden:

H. 139. Relating to municipalities; to amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed or capital cost or expenditures of the municipality to provide services in the police jurisdiction and to provide that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes and sales and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to provide immunity from any liability or damages arising out of or in any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or town from providing services in its police jurisdiction or elsewhere as it is otherwise authorized to do by state law; and to validate ordinances previously adopted and implemented whose purpose was to terminate services within the police jurisdiction and to terminate the levy and collection of license taxes and sales and use taxes within the police jurisdiction.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Dukes and Hayden:

H. 140. To repeal Section 12-14-15, Code of Alabama 1975, relating to mayoral powers to remit fines and commute sentences and grant pardons from convictions in municipal court for violations of ordinances.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Dukes:

H. 141. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Newton (D), Gaines, Dukes, Parker (P), Knight (A), Hill, Carns, Ford, Hooper, McKee, Knight (J), Black (L), Newton (C), Hawkins, Fuller, Maul, McMillan, Penry, Laird, Hall (L), Black (M), Burke, Thomas (D), Hayden, McAdory, Curry, Mitchell, Dolbare, Starkey, Gipson, Crigler, Clouse, Turner, Kennedy, McClammy, Gaston, Wren, Townsend, Haney, Murphree, Petelos, Guin, Spratt, McDaniel, Hamilton, Graham, Houston, Baker, Sanderson, Venable, Turnham, Thomas (J), Reed, and Smith:

H. 142. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

COMMITTEE ON JUDICIARY

By Representative Turner:

H. 143. To establish internal and external audit programs for specified state agencies; to provide for certain internal and external audit classifications in the state service and the compensation schedules for the classifications; to prescribe duties and responsibilities for the internal and external audit classifications and to provide for an audit committee to monitor internal and external audit activities.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 144. To provide for a certain reserve in the health insurance fund administered by the State Employees' Insurance Board.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 145. To amend Section 13A-7-29, Code of Alabama 1975, relating to the offense of criminal littering to provide for prima facie evidence for certain material found in the litter.

COMMITTEE ON JUDICIARY

By Representative Turnham:

H. 146. To amend Section 32-5A-191.3, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices by a person with 0.08 percent or more by weight of alcohol in the blood.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 147. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 8

The above bill was read a first time at length as required by the Constitution.

By Representative Turnham:

H. 148. Relating to boats and vessels; to prohibit the unauthorized alteration of identification numbers on or the registration information relating to boats, outboard motors, or identifiable component parts thereof; to provide criminal penalties for violations, including illegal possession thereof; and provide for forfeiture procedures under certain conditions.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Turnham, Smith, and Lindsey:

H. 149. To amend Section 8-17-91, Code of Alabama 1975, relating to permit fees collected by the Commissioner of Agriculture and Industries, to provide further for the formula and percentages of the distribution of the proceeds and further that each person, agency or entity currently receiving these funds, shall not receive less fund after the effective date of this act than was received for the fiscal year ending September 30, 1996.

COMMITTEE ON WAYS AND MEANS

By Representatives Turnham and Sanderson:

H. 150. Allowing a member of the Teachers' Retirement System to purchase credit in the system for full-time prior service with the Cooperative Extension Service at Auburn University under certain conditions.

COMMITTEE ON WAYS AND MEANS

By Representatives Dukes, Carothers, Clouse, Parker (P), and Baker:

H. 151. To provide a system for the purchase of service credit in the Employees' Retirement System of Alabama by public officials where such purchase has been authorized by local constitutional amendment.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 152. To amend Section 41-16-120 of the Code of Alabama 1975, to increase the payment period for purchases of surplus property; and to amend Section 41-16-123 of the Code of Alabama 1975, to increase the level of accountability for the inventory for property at the Surplus Property Division.

COMMITTEE ON STATE ADMINISTRATION

By Representative Lindsey:

H. 153. To provide for distinctive motor vehicle license plates to honor cotton producers; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 154. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; to authorize the issuing, selling, and refunding of revenue bonds; to provide certain tax exemptions, to establish a debt service reserve fund; and provide further for the duties and funds of the authority.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Lindsey:

H. 155. To amend Section 22-27-3, Code of Alabama 1975; relating to the authority of local governing bodies to establish mandatory programs of solid waste collection and provide for exceptions to certain persons and entities; to provide further for exceptions for persons or entities served by a mandatory solid waste collection program established by a county.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Lindsey:

H. 156. To amend Section 36-7-23, Code of Alabama 1975, relating to the departments and agencies who may have travel expenses prepaid, to specifically include certain officers and employees of the Department of Postsecondary Education and the two-year colleges that are under the jurisdiction of the department and the State Board of Education.

COMMITTEE ON EDUCATION

By Representative Black (M):

H. 157. To provide for the presidents of two-year colleges under the jurisdiction of the Department of Postsecondary Education and the Department of Education to donate surplus property to certain local public high schools; and to provide for records of the transactions.

COMMITTEE ON EDUCATION

By Representative Curry:

H. 158. To amend Section 17-4-120 of the Code of Alabama 1975, to provide further for the voter registration deadline.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Buskey, Hayden, Black (L), Maull, and Mitchell:

H. 159. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment; and to provide for recovery of amounts owed for violations.

COMMITTEE ON BUSINESS AND LABOR

By Representative Buskey:

H. 160. To make certain legislative findings concerning the economic benefit of pari-mutuel racetracks and the need to enable such business to compete more fairly with lotteries and other out-of-state wagering; to exempt from the prohibitions of criminal and civil statutes the use of certain electronic equipment for wagering; to declare that such equipment is exempt from the provisions of certain federal law applicable thereto; to authorize each racing commission in the state to license each racetrack under its jurisdiction to conduct skill dependent games for profit with equipment permitted by this act; to prescribe the terms and conditions of such license; to confer upon each racing commission, in addition to the powers that it has to license and regulate pari-mutuel racing, the same or similar powers to license and regulate the conduct of skill dependent games for profit through the

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use of electronic equipment and to provide various supplemental powers for each racing commission; to provide that certain acts in connection with the use of wagering equipment hereby permitted shall constitute crimes; to levy certain state and local license taxes for the use of wagering equipment hereby permitted; and to amend Section 13A-12-31 of the Code of Alabama 1975, to provide for local laws to regulate wagering at racetracks; and to provide that the provisions of the act shall be severable.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives Minnifield and Houston (With Notice and Proof):

H. 161. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 161, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Payne and Buskey:

H. 162. Relating to elections; to provide for the testing of electronic voting systems for an election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Turner:

H. 163. To amend Section 32-6-292 of the Code of Alabama 1975, relating to distinctive license plates or tags for retired military personnel; to provide that retired military personnel may be issued a distinctive license plate or tag for use on their recreational vehicles.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 164. To amend Sections 41-9-340, 41-9-342, 41-9-345, 41-9-347, 41-9-348, 41-9-349, 41-9-351, and 41-9-357, Code of Alabama 1975; to further provide the terms, powers, and duties of the USS Alabama Battleship Commission; to provide the meetings of the commission; to provide for employee benefits; and to provide for the battleship fund.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 165. To provide for the delivery of services to a member of a health maintenance organization, nonprofit health service organization, employer-sponsored health benefit company, or similar organization or entity, firm, corporation, or association by a provider provided the provider complies with the plan.

COMMITTEE ON INSURANCE

By Representative Rogers (M):

H. 166. Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Rogers (M):

H. 167. To amend Sections 11-3-21 and 11-3-23, Code of Alabama 1975, requiring county commissions to publish, on a semiannual basis, an itemized financial report of receipts and expenditures of money for the county, to require publication of an itemized financial report on an annual basis.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Mitchell:

H. 168. To propose a local constitutional amendment to the Constitution of Alabama of 1901, relating to Mobile County, to further provide for the authority of the Mobile County Board of School Commissioners to employ the Mobile County Superintendent of Education.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

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By Representative Mitchell:

H. 169. To propose a local constitutional amendment to the Constitution of Alabama of 1901, relating to Mobile County, to further provide for the authority of the Mobile County Board of School Commissioners to set the budget for the county school system.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

By Representative Mitchell:

H. 170. To propose a local constitutional amendment to the Constitution of Alabama of 1901, relating to Mobile County, to further provide for the authority of the Mobile County Board of School Commissioners to purchase land and enter contracts for the construction of buildings and additions for schools or other buildings for educational purposes.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

By Representative Mitchell:

H. 171. To propose a local constitutional amendment to the Constitution of Alabama of 1901, relating to Mobile County, to further provide for the authority of the Mobile County Board of School Commissioners to select a banking or lending institution for the deposit of public school funds.

COMMITTEE ON LOCAL LEGISLATION NO. 3

The above bill was read a first time at length as required by the Constitution.

By Representative Wren:

H. 172. To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity.

COMMITTEE ON STATE ADMINISTRATION

By Representative Wren:

H. 173. To provide procedures for securing reimbursement to the Department of Corrections and counties of the expenses incurred by the state or county correctional facility for the cost of care of all persons sentenced to confinement or

imprisonment in the correctional facilities; to specify the amount the state or county may seek in reimbursement and to specify certain exceptions and mitigating considerations; to specify penalties for the failure of a prisoner to cooperate; to specify the exclusive jurisdiction of the circuit court and to provide for the respective legal proceedings; to specify the powers of the Attorney General; to provide for the cost of investigation, collection, and court proceedings; and to provide that the determination of the Department of Finance of the amount due the state or county constitutes prima facie evidence of the amount.

COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 174. To amend Sections 25-4-145 and 40-18-100, Code of Alabama 1975; to provide further for the collection of delinquent overpayment of unemployment compensation; to make a person guilty of fraud for a violation; to include the Department of Industrial Relations as a claimant agency for the purpose of seeking relief through setoff debt collection; and to provide for retroactive effect.

COMMITTEE ON BUSINESS AND LABOR

By Representative Wren:

H. 175. To exempt the Camp Smile-A-Mile from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Wren:

H. 176. To exempt Resurrection Catholic Missions from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 177. To provide for letters of justification for certain promotions and appointments under the State Merit System.

COMMITTEE ON STATE ADMINISTRATION

By Representative Morrow:

H. 178. To repeal Section 14-3-59, Code of Alabama 1975, relating to the requirement that the Department of Corrections post the code sections and regulations regarding escapes by convicts in each cell and workshop.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hall (A), Carothers, Hinshaw, Jorgensen, Carter, Guin, Morrison, Layson, Galliher, Millican, Johnson (R), Rogers (M), Minnifield, Hammett, Newton (D), Letson, Baker, Morrow, Black (M), Lindsey, Robinson, Newton (C), and Venable:

H. 179. To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to provide for the date of the open primary and runoff elections; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to change the date of the presidential preference primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, 17-16-70 to 17-16-89, inclusive, and 17-16A-1, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Wren, Gipson, and Venable:

H. 180. To amend Section 11-89-1 of the Code of Alabama 1975, to permit cooperative corporations organized under Article 9 (commencing with Section 10-4-190) of Chapter 4 of Title 10 of the Code of Alabama 1975, to form as an independent corporate instrumentality of the state to render water or sewer services.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Gipson:

H. 181. To amend Section 25-5-293 of the Code of Alabama 1975, to provide further for utilization review and bill screening for workers' compensation purposes.

COMMITTEE ON BUSINESS AND LABOR

By Representative Gipson:

H. 182. To exempt the Marbury High School Alumni Association from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Gipson:

H. 183. To amend Section 44-1-51, Code of Alabama 1975, to provide further for the per diem of members of the Youth Services Board.

COMMITTEE ON WAYS AND MEANS

By Representatives Knight (A), Hawkins, Curry, Townsend, Gaines, Petelos, Hill, Morton, Sanderson, Carns, Payne, Murphree, Guin, Thomas (D), Hogan, and Galliher:

H. 184. Relating to Class 1 municipalities; to amend Section 11-50-313, Code of Alabama 1975, to provide for an eight-member board of directors of any public utility corporation organized pursuant to Chapter 50, Article 9 of Title 11, Code of Alabama 1975, serving a Class 1 municipality; to provide for the appointment and terms of the directors; and to provide for the election of a chair and vice chair.

COMMITTEE ON LOCAL LEGISLATION NO. 2

By Representative Knight (A):

H. 185. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Fuller, Curry, Sanderson, Minnifield, Hawkins, Newton (D), Townsend, McAdory, Petelos, Spratt, Houston, Gaines, Perdue, Morton, Payne, and Carns:

H. 186. To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for the fiscal year ending September 30, 1997, and requires an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue:

H. 187. To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

COMMITTEE ON STATE ADMINISTRATION

By Representative Perdue:

H. 188. To amend Sections 41-16-27 and 41-16-57 of the Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which contracts for the purchase of personal property or contractual services may be awarded.

COMMITTEE ON STATE ADMINISTRATION

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By Representatives Sanderson, Rogers (M), Laird, Gaines, Morrison, Mitchell, Hill, and Payne:

H. 189. To amend Section 25-5-77, Code of Alabama 1975, relating to Workers' Compensation, to provide further for the medical treatment of injured employees.

COMMITTEE ON BUSINESS AND LABOR

By Representative Sanderson:

H. 190. To provide for a construction industry work force education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Work Force Board; and to impose a construction permit surcharge to fund a construction industry work force program.

COMMITTEE ON EDUCATION

By Representatives Warren, Turner, McMillan, White, Ford, Carter, Layson, and Collins:

H. 191. To provide for distinctive motor vehicle license plates for supporters of the Alabama Wildlife Federation; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 192. To require each county and city board of education to pay to each teacher employed at least 100 percent of the state salary matrix; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act for the public schools; and to establish an effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 193. To make an appropriation of \$500,000 from the Education Trust Fund to the Birmingham Metropolitan Arts Council for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 194. To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$10,756,144 for the fiscal year ending September 30, 1998, for educational purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 195. To make an appropriation of \$350,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 196. To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the Education Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 197. To make an appropriation of \$400,000 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 198. To make an appropriation of \$3,548,566 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Curry:

H. 199. To make a supplemental appropriation from the Department of Corrections Special Revenue Fund in the State Treasury to the Department of Corrections, in the amount of \$7,800,000 for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 200. To provide that the Alabama Medicaid Agency may consider factors other than the lowest bid and to provide for the procedures when awarding contracts related to Medicaid managed care service delivery systems; and to further provide for the evaluation of modifications by health maintenance organizations and applicants to be approved as health maintenance organizations when submitted by prospective managed care service providers to the Alabama Medicaid Agency.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 201. To amend Sections 22-6-7 and 41-16-27 of the Code of Alabama 1975, relating to the Alabama Medicaid Agency and the awarding of contracts, and to further provide for the award of management information system contracts and other contracts to administer Medicaid based on factors other than the lowest bid.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 202. To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

COMMITTEE ON HIGHWAY SAFETY

By Representative Johnson (R):

H. 203. To amend Section 10-4-382 of the Code of Alabama 1975, relating to professional corporations; to define the term profession to specifically include, but not limit, the professions that may incorporate with the limited liability feature of the corporate form of business enterprise.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Johnson (R):

H. 204. To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 205. To make an appropriation of one hundred fifty thousand dollars (\$150,000) from the Education Trust Fund to the Arthritis Foundation Alabama Chapter for the fiscal year ending September 30, 1998, and to require an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 206. To amend Section 38-7-2, Code of Alabama 1975, to include a great-grandparent as a person related to a child and therefore exempt from child care licensure requirements.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 207. To provide an action for civil damages for certain persons who are injured as a result of the illegal marketing of controlled substances; and to provide for damages.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

COMMITTEE ON HEALTH

By Representatives Johnson (R), Hall (L), and Galliher:

H. 209. To regulate and license the practice of interior design; to create the Alabama State Board of Registration for Interior Design; to provide for certain powers and duties of the board; to provide requirements and procedures for the issuance of a certificate of registration; to establish qualifications for individuals seeking licensure to engage in the practice and title of interior design; to provide for criminal penalties and disciplinary actions; to establish hearings and appeals for disciplinary proceedings; to provide for disposition of fees received by the board; to authorize the board to initiate legal proceedings, without bond, and to provide jurisdiction to the circuit court; to repeal conflicting laws; to repeal Sections 34-15A-1 to 34-15A-7, inclusive, Code of Alabama 1975; and to provide for an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 210. To amend Sections 22-21-260, 22-21-261, 22-21-263, 22-21-264, 22-21-265, 22-21-266, 22-21-270, and 22-21-275 of the Code of Alabama 1975, and to add Section 22-21-265.2, relating to the State Health Planning and Development Agency and the issuance of certificates of need for certain new or expanded institutional health services, to further provide for the certificate of need process.

COMMITTEE ON HEALTH

By Representatives McDaniel, Ford, Morrison, Willis, Hamilton, Fuller, Carter, Layson, Smith, Drake, Page, Venable, Galliher, Vance, Hammett, Turnham, Hall (L), Laird, and Collins:

H. 211. To amend Sections 17-16-6 and 17-16-11, Code of Alabama 1975; to provide further for the time for holding certain primary elections and for the time for filing declarations of candidacy.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives McDaniel, Fuller, Turnham, Morrison, Carter, Burke, Black (M), Layson, Smith, Drake, Dukes, Hawk, Guin, Venable, Crigler, Penry, McMillan, Galliher, Vance, Clark (J), Hammett, Allen, Murphree, Melton, Laird, and Rogers (M):

H. 212. To amend Section 40-17-31, Code of Alabama 1975; relating to gasoline taxes, to provide for incremental increases in the prescribed minimum and maximum total annual net collections to be derived from the excise tax levied upon the selling, use or consumption, distributing, storing, or withdrawing from storage in this state of gasoline for use as a fuel to propel aircraft, and to repeal the exemption currently granted to a hub operation within this state.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Sanderford, Petelos, Curry, Flowers, Penry, McMillan, Vance, Clark (J), Hammett, Fuller, Carter, Turnham, Carns, Allen, Laird, Rogers (M), Hooper, and Collins:

H. 213. To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

COMMITTEE ON BUSINESS AND LABOR

By Representatives McDaniel, Sanderford, Curry, Flowers, Penry, McMillan, Vance, Hammett, Fuller, Carter, Turnham, Sanderson, Carns, Allen, Laird, Smith, Hooper, and Collins:

H. 214. Relating to workers' compensation; to amend Sections 25-5-8, 25-5-14, 25-5-50, and 25-5-78, Code of Alabama 1975, and to add Section 25-5-8.1 and Section 25-5-220 to the Code of Alabama 1975, to make substantial alterations in the existing law.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Fuller and Curry:

H. 215. To make an appropriation of \$100,000 from the State General Fund to the Montgomery Minority Business Development Center for the fiscal year ending September 30, 1998, and requires an operations plan and an audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry and Fuller:

H. 216. To provide for a FY 1996-97 supplemental General Fund appropriation in the amount of \$7,943,565 to various state agencies; to provide for a FY 1996-97 supplemental appropriation to the Office of the Attorney General from the Attorney General Special Revenue Fund in the amount of \$700,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Corrections from the Corrections Special Revenue Fund in the amount of \$7,800,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Finance from the Data Center Revolving Fund in the amount of \$8,000,000; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (L), Sanderson, Pringle, Kennedy, Fuller, Graham, Galliher, Guin, Hill, Gaines, Parker (P), and Morrison:

H. 217. To provide for the coverage of reconstructive breast surgery incident to a mastectomy by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

COMMITTEE ON INSURANCE

By Representatives Sanderson, Hall (A), Wren, Hall (L), Pringle, Knight (A), Fuller, Kennedy, Graham, Galliher, Gaines, Hill, Knight (J), Moore, Seibenhener, Johnson (R), Millican, Carothers, Flowers, Hinshaw, Gaston, Dean, Jackson, Vance, Sims, McClammy, McAdory, Newton (D), and Mitchell:

H. 218. Relating to health insurance and health benefit plans; to prohibit a health insurer or health benefit plan from requiring as a condition of insurability that a person take a genetic test which may show whether the person has a predisposition for cancer; and to prohibit a health benefit plan from using the results of any genetic test which may show the predisposition of a person for cancer to determine insurability or to otherwise discriminate against the person in rates or benefits based on the genetic test results.

COMMITTEE ON INSURANCE

By Representatives Sanderson, Wren, Hall (L), Pringle, Knight (A), Kennedy, Fuller, Graham, Galliher, Gaines, Hill, Knight (J), Moore, Johnson (R), Millican, Carothers, Hinshaw, Gaston, Dean, Vance, Jackson, McClammy, McAdory, Newton (D), and Mitchell:

H. 219. To provide for the coverage of screening mammography under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

COMMITTEE ON HEALTH

By Representative Venable:

H. 220. Relating to the Fair Campaign Practices Act; amending Section 17-22A-2, Code of Alabama 1975, and repealing Section 17-22A-13, Code of Alabama 1975, to provide further for the definition of a filing officer as used in the Fair Campaign Practices Act; and to add a new Section 17-22A-11.1 to Title 17, Chapter 22A, Code of Alabama 1975, to provide for a voluntary Code of Fair Campaign Conduct containing a set of guidelines for decency in political campaigns which would be presented to a candidate by the filing officer, voluntarily signed by the candidate, and forwarded to the Office of the Secretary of State to be retained as a public record.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Venable, Buskey, Newton (C), Parker (T), Collins, Layson, Reed, Clouse, Moore, Baker, Carothers, Johnson (R), Holmes, Knight (J), McKee, Hogan, Willis, Sims, McDaniel, Vance, Jackson, Hayden, Black (L), Dolbare, Laird, Warren, Thomas (J), Bandy, Boyd, Wren, Turnham, White, Gaston, Dean, Mitchell, McMillan, Newton (D), Turner, Pringle, Clark (W), Hamilton, Penry, Allen, Carter, Johnson (E), Rogers (J), McAdory, Payne, Townsend, Hinshaw, Perdue, Minnifield, Hawk, Sanderford, Dukes, Galliher, Parker (P), Gipson, Morton, Knight (A), Hill, Gaines, Hall (L), Graham, Morrison, Murphree, Guin, Black (M), Spratt, Hall (A), Robinson, Morrow, Page, and Starkey:

H. 221. To amend Section 29-1-4 of the Code of Alabama 1975, to provide further for the time of commencing certain regular sessions of the Legislature.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 222. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 223. To amend Section 16-4-15 of the Code of Alabama 1975, to change the date of the next required school census.

COMMITTEE ON EDUCATION

By Representatives Hill and Knight (A):

H. 224. To exempt the Alabama Youth Home in Mountain Brook, Alabama from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Hill and Knight (A):

H. 225. To provide that a person who is engaged in the business of transporting vehicles have a lien on the vehicle if the removal was done pursuant to law; to provide notice to persons with a lawful interest in the vehicle; to provide for a hearing; to provide for payment of fees; and to require persons who are regularly engaged in transporting vehicles to have the name, address, and telephone number of the company transporting the vehicle clearly printed on the side of the vehicle.

COMMITTEE ON BANKING

By Representatives Hill and Knight (A):

H. 226. To exempt the Shelby Baptist Association Food and Clothing Center from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Hill and Knight (A):

H. 227. To provide for the registration and issuance of a special license plate for street rods; to provide for a fee; to provide for distribution of the proceeds from the sale of the tag or plate; to provide for an appropriation of \$2,000 from the General Fund to the Department of Revenue to implement this act; to provide for a penalty; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hill (With Notice and Proof):

H. 228. To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Calera in Shelby County; and to provide for a referendum.

COMMITTEE ON LOCAL LEGISLATION NO. 7

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 228, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hill and Knight (A):

H. 229. Proposing an amendment to the Constitution of Alabama of 1901, to allow the presiding judge of the 18th Judicial Circuit, by local rule, to transfer equity cases to the Probate Court of Shelby County if the judge of probate is licensed to practice law in the State of Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 7

The above bill was read a first time at length as required by the Constitution.

By Representatives Hill and Knight (A):

H. 230. To amend Section 40-1-37, Code of Alabama 1975, relating to the certain irregular elections of a special county or municipal tax, to provide further for elections exempted from the ratification process.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hill and Knight (A):

H. 231. To amend Section 11-41-8, Code of Alabama 1975, relating to validation of prior attempted incorporations by municipalities, to further provide for the validation of attempted incorporation prior to the effective date of this act.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hill and Knight (A):

H. 232. To amend Section 11-42-5 of the Code of Alabama 1975, to validate and ratify under certain conditions any municipal annexation by any municipality prior to the effective date of this act notwithstanding any procedural defect by the municipality.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Page:

H. 233. Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of the city; providing for four-year terms, rather than the current six-year terms; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall approve a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat and to provide that the county commission may under certain conditions waive the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the

planning commission, and deleting certain other procedures required of the planning commission for recommendations to the council on amendments to zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical nonsubstantive corrections; to provide that certain local laws shall not be affected by this act; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hill and Knight (A):

H. 234. To amend Section 11-81-31 of the Code of Alabama 1975, to ratify certain elections by counties or municipalities for the purpose of approving the issuance of bonds under certain conditions.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Burke, McDaniel, Black (M), Lindsey, and Gaston:

H. 235. To amend Sections 31-10-2 and 31-10-4 of the Code of Alabama 1975, relating to educational benefits for members of the Alabama National Guard; to provide further for benefits and eligibility requirements.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 236. Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 237. To authorize the Chancellor of the Department of Postsecondary Education to approve out-of-state travel for certain officers and employees of the department and the presidents of certain two-year colleges.

COMMITTEE ON EDUCATION

By Representative Black (M):

H. 238. To amend Section 36-26-18 of the Code of Alabama 1975, relating to extraordinary appointments, to further provide for provisional appointments.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Willis and Hogan:

H. 239. To exempt any organization exempt under the provisions of 26 USC §501(c)(3) from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Willis:

H. 240. To exempt the Jacksonville Christian Outreach Center, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican, Galliher, and Murphree:

H. 241. To amend Section 32-1-4 of the Code of Alabama 1975, relating to appearance upon arrest of a person for a traffic violation for a misdemeanor; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer and to provide that a person arrested for failure to stop within a reasonable time, flee, or elude a law enforcement officer shall upon arrest be taken to the nearest or most accessible magistrate, to amend Sections 32-5A-115 and 32-5A-193 of the Code of Alabama 1975, relating to the operation of emergency vehicles and to fleeing or attempting to elude a law enforcement officer; to change certain penalty provisions applicable to the offense of fleeing or attempting to elude a law enforcement officer; to provide for the mandatory nature of certain penalty provisions; and create a new crime of attempting to elude or flee a law enforcement officer under specified aggravated circumstances and provide penalties therefor.

COMMITTEE ON JUDICIARY

By Representative Millican (With Notice and Proof):

H. 242. Relating to Marion County; to repeal Act No. 82-245, 1982 Regular Session, which provides for a fund in the county treasury to pay bounties for trapping beaver.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 242, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Millican:

H. 243. To amend Section 22-17-1, Code of Alabama 1975, relating to barbering, to further define the word "barber" to include additional services which may be performed by a barber.

COMMITTEE ON STATE ADMINISTRATION

By Representative Dukes:

H. 244. To exempt the Princess Theatre Center for the Performing Arts from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend, Sanderford, Allen, Murphree, and Wren:

H. 245. Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend, Payne, Curry, Carns, Hawkins, Petelos, and Thomas (D):

H. 246. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act No. 96-577, H. 755, 1996 Regular Session (Acts 1996, p. 913), relating to speed limits; to delete the provision prohibiting law enforcement officers of a municipality which has less than 19,000 inhabitants from enforcing speed limits on interstate highways.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Townsend, Sanderford, and Allen:

H. 247. To amend Section 32-1-4 of the Code of Alabama 1975, relating to the circumstances where appearance before a magistrate is not required upon

arrest for a traffic offense; to provide that a person arrested for a traffic violation punishable as a misdemeanor would be required to appear before a magistrate in certain cases where the person is not validly licensed or whose identity cannot be established by the arresting officer.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 248. To require the State Employees' Health Insurance Plan to pay the medical insurance costs for certain members of the state retirement systems during the period of time between retirement and eligibility for Medicare benefits.

COMMITTEE ON WAYS AND MEANS

By Representatives Hogan and Guin (With Notice and Proof):

H. 249. Relating to Walker County; to amend Section 1 of Act No. 79-658, H. 997 of the 1979 Regular Session (Acts 1979, p. 1140), increasing the term of office of the revenue commissioner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 249, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Petelos and McDaniel:

H. 250. To provide for the liability of a county for damages under certain conditions; and to provide limits on damages based on judgments or combinations of judgments.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Petelos, Curry, and Hawk:

H. 251. To repeal Section 14-9-3, Code of Alabama 1975, which grants a deduction of 30 days from the sentence of a state prisoner who donates blood to the American Red Cross.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 252. To amend Section 17-22A-18, Code of Alabama 1975, relating to the prohibition of campaign contributions by one person in the name of another; to amend Section 36-25-6, Code of Alabama 1975, relating to when a candidate may solicit or accept campaign contributions and the use of contributions, to allow a person to contribute one thousand dollars or less to a political committee without designating the candidate to which the contribution is made but after the initial contribution the candidate to which the contribution is made shall be designated by the person making the contribution; to require that the candidate and amount be designated in transfers of contributions from one political committee to another; to change the time during which campaign contributions may be accepted.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Starkey, Clark (J), Fuller, Black (M), Carter, Robinson, and Haney:

H. 253. Proposing an amendment to the Constitution of Alabama of 1901; to require minimum local support for the public schools by establishing the ad valorem millage rates of 20 mills, or the equivalent in other local taxes, by the year 2002, and 30 mills, or the equivalent in other local taxes, by the year 2007, for each public school system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Crigler:

H. 254. To further provide for the issuance of hunting and fishing licenses for certain persons who are 65 years of age or older and who are disabled, whether residents or nonresidents upon certain conditions.

COMMITTEE ON WAYS AND MEANS

By Representative Crigler:

H. 255. Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections for members of the Senate and House of Representatives, to limit the legislative terms.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Crigler:

H. 256. To make it unlawful for an animal or a child to ride in the bed of a pickup truck; to provide certain exemptions; to prescribe a penalty for violation of this act; and to provide for a phased in implementation of this act.

COMMITTEE ON HIGHWAY SAFETY

By Representative Crigler:

H. 257. To exempt the Lighthouse Apostolic Holiness Church, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Crigler:

H. 258. To exempt the Wings of Life, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Crigler (With Notice and Proof):

H. 259. Relating to Mobile County, Alabama; to amend and reenact Act No. 84-831, H. 95 of the 1984 First Special Session (Acts 1984, p. 265), entitled "An Act Relating to Mobile County; requiring the county governing body to pay from the county general fund, or any fund designated for roads or bridges, the expense of relocating certain water pipes and lines, owned by rural water or municipal water systems when outside of the municipalities' police jurisdiction, as a result of certain public roads maintenance, construction, bridge repair or replacement; and repealing conflicting laws," so as to express Legislative intent and to provide further for the Mobile County Commission making payments from the county general fund or from any fund designated for roads and bridges, in relocating certain water pipes and lines owned by rural or municipal water systems, and to make retroactive.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 259, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Crigler (With Notice and Proof):

H. 260. Amending Section 13 of Act No. 243, H. 278 of the 1964 First Special Session (Acts 1964, p. 326), relating to the pension and relief system for

policemen and firemen of the City of Mobile, in Mobile County, to further provide for disabling disabilities; to exclude certain disabling disabilities; and to amend Section 2 of Act No. 95-571, H. 958 of the 1995 Regular Session (Acts 1995, p. 1194), relating to certain conditions existing at the time of employment in determining disability eligibility under the plan.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 260, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Laird, Carns, Fuller, Turner, Flowers, Turnham, Seibenhener, Hooper, Millican, Johnson (R), Hamilton, Layson, Collins, Newton (C), Venable, Gipson, Mitchell, Sanderson, Moore, Carothers, McKee, Ford, Drake, Hawkins, Spratt, Burke, Melton, Robinson, Hall (A), Page, Graham, Galliher, Smith, Letson, Jorgensen, Wren, and Gaston:

H. 261. Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Laird:

H. 262. Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Fuller, Hall (L), and Gipson:

H. 263. Relating to cigarettes; to amend Sections 40-25-2 and 40-25-23, Code of Alabama 1975; to increase cigarette tax; and to provide that any new funds generated by the tax shall be distributed to the Children First Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Fuller, Hall (L), and Gipson:

H. 264. Relating to the Children First Program; to establish the Children First Trust Fund within the State Treasury; to provide for the management and administration of the fund by the Alabama Juvenile Justice Coordinating Council; to continuously appropriate the fund for allocations to the Department of Youth Services, the State Board of Education, the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Administrative Office of Courts, the State Multiple Needs Children's Fund, the Children's Trust Fund, and the Department of Public Health for prevention, treatment, education, rehabilitation, and punishment programs for children; and to provide for oversight by the Permanent Joint Legislative Oversight Committee of the Children First Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk, Fuller, Hall (L), and Gipson:

H. 265. To amend Sections 12-15-1, 12-15-7, 44-1-2, 44-1-24, and 44-1-27, Code of Alabama 1975, and to repeal Section 44-1-26, Code of Alabama 1975; to provide for the duties of juvenile probation officers; to provide for the allocation of juvenile probation officer positions and staff positions by the Administrative Director of Courts in counties having a population of 99,000 or less according to the 1990 federal decennial census and the allocation formula for salary subsidies in counties having a population of more than 99,000 according to the 1990 federal decennial census; to provide for the appointment and dismissal of juvenile probation officers and chief juvenile probation officers; to provide for the development of minimum standards for certification of juvenile probation officers and continuing education; to establish the Juvenile Probation Services Fund in the State Treasury; to provide the schedule for the transition juvenile probation officers from county employees to state employees; to phase out county funding of salaries and benefits for juvenile probation officers and staff providing juvenile probation services, excluding staff of juvenile detention and shelter care facilities; to provide for the classification and pay of juvenile probation officers and staff under the state court system personnel system and the protection of current employee status and benefits of juvenile probation officers and staff during transition and after transition; to provide for state assumption of certain operating expenses and specified property; to provide for an appropriation of \$450,000 from the State General Fund to the Unified Judicial System for the fiscal year ending September 30, 1998; and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims, McKee, Jorgensen, Moore, Hawkins, Ford, Hooper, McDaniel, Johnson (R), Seibenhener, Gaston, Clouse, Millican, Dolbare, Carns, Gipson, Willis, Hogan, Letson, Wren, Vance, Jackson, Penry, McMillan, Sanderson, Dean, Crigler, Turner, Guin, Newton (D), Rogers (M), Flowers, Newton (C), Pringle, Black (M), Hamilton, Petelos, and Maul:

H. 266. To provide that the Alabama Medicaid Agency seek a waiver for any person who purchases a long-term health care policy to cover at least the first five years of nursing home care; and to provide that the Alabama Medicaid Agency not consider those resources of a person equal to the amount of long-term care insurance benefit payments in determining Medicaid eligibility.

COMMITTEE ON HEALTH

By Representatives Guin and Black (M):

H. 267. Providing for the suspension of the driver's license of an owner, operator, or person responsible for an uninsured motor vehicle involved in an accident with an insured motorist.

COMMITTEE ON JUDICIARY

By Representative Guin:

H. 268. To amend Section 30-2-8.1, Code of Alabama 1975; relating to divorce; to require a 180-day waiting period and attendance at an 8-hour parenting class prior to the issuance of final judgment of divorce when the parties are the parents of a child under the age of 18 years.

COMMITTEE ON JUDICIARY

By Representatives Guin and Black (M):

H. 269. To amend Section 12-15-32 of the Code of Alabama 1975, to further provide for the jurisdiction of the juvenile courts under certain conditions.

COMMITTEE ON JUDICIARY

By Representative Guin:

H. 270. To amend Section 13A-11-8 of the Code of Alabama 1975, as last amended by Act 96-767 of the 1996 Regular Session, so as to clearly specify that the actions constituting the crimes of harassment and harassing communications are mutually independent.

COMMITTEE ON JUDICIARY

By Representatives Hooper, Layson, Guin, McDaniel, Hawkins, Sims, Knight (A), Pringle, Sanderson, Ford, Fuller, Flowers, White, Warren, Seibenhener, Johnson (R), Millican, Gipson, Dolbare, Carns, Laird, Maull, McMillan, Vance, Wren, Willis, Hogan, McKee, Crigler, Haney, Hammett, Carter, Burke, Turnham, Collins, Townsend, Payne, Allen, Curry, Morrison, Dukes, Jorgensen, Galliher, Petelos, Thomas (D), Gaines, Rogers (M), Hill, Sanderford, Smith, Morrow, Hall (A), Robinson, Minnifield, Murphree, Moore, Clouse, Hamilton, and Letson:

H. 271. To ban partial-birth abortions, ban abortions of any fetus capable of living outside the womb, except under certain circumstances, provide injunctive relief and damages, and prescribe penalties for violations of this act.

COMMITTEE ON HEALTH

By Representatives McMillan, Burke, Penry, Mitchell, Baker, and Carothers:

H. 272. To provide a system for compensating certain elected local officials based upon categories of the counties determined by county population.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives McMillan, Clark (J), Crigler, and Johnson (R):

H. 273. To exempt all vessels and equipment thereon used by the owner thereof predominantly in the business of commercial charter fishing vessels from any state, county, and local ad valorem taxes; and to provide that to qualify for the exemption, fifty-one percent or more of the owner's earned income shall come from charter fishing revenue.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Mitchell, Dolbare, Hooper, Johnson (R), and Clouse:

H. 274. To amend Section 38-10-8, Code of Alabama 1975, to further provide for support collections by the Department of Human Resources; and to provide for the distribution of support arrearage collections among all support orders relating to the obligor.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan, Mitchell, Perdue, and Johnson (R):

H. 275. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and

make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan, Penry, Mitchell, Johnson (R), and Clouse:

H. 276. To amend Sections 32-9-3 to 32-9-6, inclusive, Code of Alabama 1975, relating to the enforcement, jurisdiction, and penalties for violations of restrictions on trucks, trailers, and semitrailers, to provide for a lien to be placed on the motor vehicle of an operator or owner found in violation of these sections; to establish an Appeals Board for administrative review of contested penalty assessments; to prescribe penalties for violations of this chapter; and to provide for the disposition of penalty funds.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McMillan, Johnson (R), and Clouse:

H. 277. To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaines, Thomas (D), Carns, Hill, Rogers (M), Knight (A), and Hooper:

H. 278. To authorize the state to pay the tuition of any needy, qualified student pursuing a baccalaureate degree at any Alabama state college or university; to provide definitions; to provide for the administration of the tuition assistance plan by the Alabama Commission on Higher Education; and to provide for funding the plan.

COMMITTEE ON WAYS AND MEANS

By Representatives Hinshaw, Jorgensen, Papucci, Allen, Murphree, Lindsey, Sanderford, Haney, Curry, Knight (A), Thomas (D), Gaines, Hill, Petelos, Sanderson, Hooper, Galliher, Seibenhener, Morton, and Carns:

H. 279. To exempt Internet providers from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Hinshaw, Burke, Letson, Parker (P), Box, and Hall (A):

H. 280. To regulate the financing of certain political campaigns and other political campaign practices for certain state public offices and prescribe penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Gaines, Laird, Millican, Layson, Collins, Hawkins, Allen, Murphree, Hill, Thomas (D), Carns, Knight (A), and Hooper:

H. 281. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

COMMITTEE ON BUSINESS AND LABOR

By Representative Hooper:

H. 282. To amend Section 13A-6-20, Code of Alabama 1975, to provide that any assault committed by an inmate on a state employee would be classified as assault in the first degree.

COMMITTEE ON JUDICIARY

By Representative Hooper:

H. 283. Providing for a donation of sick leave by a state employee to another state employee diagnosed with a catastrophic illness under certain conditions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 284. Requiring the state or another former employer to pay the cost of certain health insurance coverage for certain retired persons drawing certain retirement benefits commencing October 1, 1997.

COMMITTEE ON WAYS AND MEANS

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By Representative Hooper:

H. 285. To exempt Group Homes for Children, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Crigler:

H. 286. To amend Section 36-26-23 of the Code of Alabama 1975, relating to promotions; to require the State Personnel Director to keep promotional registers open during studies or reviews for merit positions.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Pringle, Gaston, Dean, Crigler, Clark (W), Buskey, Mitchell, Turnham, and Kennedy (With Notice and Proof):

H. 287. Relating to specifications for barbed wire fences in Mobile County; to repeal Act No. 124, p. 227, 1894 Regular Session.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 287, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Pringle, Gaston, Dean, Crigler, Buskey, Clark (W), Mitchell, McMillan, Penry, Turner, and Kennedy:

H. 288. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

COMMITTEE ON WAYS AND MEANS

By Representatives McKee, Wren, Allen, Hooper, Clouse, and Townsend:

H. 289. To propose an amendment to the Constitution of Alabama of 1901, to provide that the people may propose the repeal and enactment of laws or constitutional amendments by an initiative or referendum.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives McKee, Wren, Allen, Carns, Hooper, Townsend, and Clouse:

H. 290. To amend Section 41-16-120 of the Code of Alabama 1975, to provide further for the distribution, transfer, or disposal of certain surplus state personal property.

COMMITTEE ON EDUCATION

By Representative Haney:

H. 291. Amending Sections 28-3-1, 28-3-168, 28-6-1, and 28-7-2 of the Code of Alabama 1975, so as to alter the percentage of alcohol by volume in the definitions of table wine, fortified wine or vinous liquor, and native farm wine.

COMMITTEE ON TOURISM, ENTERTAINMENT AND SPORTS

By Representative Crigler:

H. 292. To amend Section 40-9-1, Code of Alabama 1975, to exempt certain aircraft from ad valorem taxation.

COMMITTEE ON WAYS AND MEANS

By Representatives Murphree, Hill, Rogers (M), Morton, Gaines, Hawk, Allen, Lindsey, Black (M), Morrison, Jorgensen, Sanderford, Dukes, Galliher, Graham, Hall (L), Morrow, Robinson, Melton, Starkey, Drake, Spratt, Townsend, Ford, Carter, Houston, McAdory, Sanderson, Burke, Hawkins, Hooper, Guin, Carns, Haney, McDaniel, Millican, Knight (A), McKee, Gaston, Newton (C), Vance, Hamilton, Clark (J), Dean, Turner, Letson, Seibenhener, Johnson (R), Hammett, Jackson, Laird, Mitchell, Willis, Petelos, Gipson, Maull, Clouse, Carothers, Clark (W), Hilliard, Bandy, Papucci, Sims, Pringle, Turnham, Rogers (J), Newton (D), McMillan, Moore, and Crigler:

H. 293. To establish within the Department of Industrial Relations a State Directory of New Hires; to provide new hire, recall, and rehire information reporting procedures for employers; to provide new hire, recall, and rehire information collection, reporting, and disclosure procedures for the Department of Industrial Relations; to provide wage, unemployment compensation, and workers' compensation information reporting and disclosure procedures; to authorize access to directory and employment security information; to establish safeguards for the dissemination of information; to authorize reimbursement for exchanges of information; to require the state to maintain an Income Eligibility Verification System and to provide for a waiver of this requirement; to provide for the collection of food stamp overissuances; to require the Department of Revenue to identify and furnish to the Department of Industrial Relations information on all employers in the state paying wages; to authorize the Director of Industrial Relations or the

Commissioner of Human Resources to promulgate rules and regulations for the implementation and administration of the act; to prescribe administrative penalties for violation of the act; and to specify a prospective effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Boyd:

H. 294. To exempt the Berman Museum from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Boyd:

H. 295. To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

COMMITTEE ON HEALTH

By Representatives Box, Carns, Hall (L), Minnifield, Sanderson, and Hogan:

H. 296. To authorize the incorporation of the Alabama Revolving Loan Fund Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

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By Representatives Box, Carns, Hall (L), Minnifield, Sanderson, and Hogan:

H. 297. To amend Section 40-21-123, which provides for the collection and distribution of the cellular radio telecommunications services tax, so as to provide for the appropriation of as much as necessary of the tax revenue for the payment of principal and interest on the outstanding bonds issued by the Alabama Revolving Loan Fund Authority; and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Carothers and Johnson (R):

H. 298. To amend Sections 34-40-3, 34-40-8, and 34-40-14, Code of Alabama 1975, relating to the Alabama Board of Athletic Trainers; providing for the membership on the board; providing for the duties and responsibilities of the board; providing for the employment of certain individuals; providing for reimbursement of expenses; requirements for the renewal of license; and to authorize grants to develop and promote athletic training programs and continuing education programs for athletic trainers.

COMMITTEE ON HEALTH

By Representatives Hooper, Haney, McDaniel, Clark (J), Guin, Carter, Fuller, Knight (A), Sanderford, Murphree, Dean, Starkey, Layson, Allen, Hawkins, Carns, Flowers, Penry, Turnham, Warren, Gaston, Venable, Townsend, Sanderson, Burke, Moore, Gaines, Lindsey, White, Hamilton, Hall (A), Collins, Ford, Seibenhener, Johnson (R), Millican, Sims, Gipson, Laird, Maull, McMillan, Vance, Wren, Baker, Willis, Hogan, McKee, Crigler, Hammett, Carothers, Curry, Dukes, Jorgensen, Galliher, Petelos, Thomas (D), Hill, Smith, Minnifield, Clouse, and Newton (C):

H. 299. To regulate further the award of punitive damages in civil actions; to prescribe amounts of punitive damages that may be awarded; to prohibit, in certain civil actions, an award of punitive damages except upon an award of economic damages; to prohibit award of punitive damages against any defendant not expressly found to have committed conduct warranting such an award and to require the award to be commensurate with a defendant's conduct; to prohibit punishment more than once for the same wrongful act or course of conduct; and to prescribe circumstances under which a defendant may be liable for punitive damages arising from the conduct of another; to amend Section 6-11-21 of the Code of Alabama 1975; to repeal Section 6-11-27 of the Code of Alabama 1975; and to provide an effective date for such act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Guin, McDaniel, Haney, Clark (J), Hammett, Morrison, Pringle, Black (M), Hawkins, Allen, Hinshaw, Hooper, Lindsey, Drake, Curry, Hawk, Murphree, Dukes, Jorgensen, Page, Carns, Hall (A), Graham, Burke, Galliher, Hill, Rogers (M), Morton, Thomas (D), Hall (L), Sanderford, Gaines, Petelos, Townsend, Knight (A), Carter, Ford, Robinson, Starkey, Morrow, Gipson, Parker (P), Melton, Wren, Spratt, Houston, McAdory, Newton (D), Baker, Seibenhener, Flowers, Turnham, Turner, Sims, Newton (C), Layson, Collins, Venable, Clouse, Moore, Johnson (R), Letson, Millican, Willis, Dean, Gaston, McKee, Penry, Vance, Hogan, and Crigler:

H. 300. To provide that a person or entity who devises a scheme to defraud another person or entity and communicates in any way in furtherance of this scheme is guilty of fraud; to provide that criminal fraud would be a Class C felony; to provide that reliance is not a necessary element of the offense; and to provide that puffing is not criminal fraud as defined by this statute.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McDaniel, Guin, Haney, Hooper, Clark (J), Carter, Fuller, Layson, Sanderford, Murphree, Dean, Starkey, Allen, Hawkins, Carns, Flowers, Penry, Knight (A), Turnham, Warren, Gaston, Venable, Townsend, Sanderson, Burke, Moore, Lindsey, White, Hamilton, Hall (A), Collins, Sims, Smith, Petelos, McMillan, Galliher, Vance, Hammett, and Laird:

H. 301. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; to limit the recovery of such damages to \$350,000 in cases involving physical injury; to limit the recovery of such damages to an amount equal to the economic damages recovered by the claimant in all other cases to limit the recovery of these damages to civil actions of the type in which these damages are currently authorized to be recovered; to provide an effective date for such act; and to provide that such act shall apply only to civil actions commenced or filed on or after the effective date of such act.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Haney, Hooper, McDaniel, Clark (J), Guin, Carter, Layson, Sims, McKee, Dean, Penry, Sanderford, Laird, Gaines, Gipson, Curry, Petelos, Jorgensen, Hawkins, Morton, Hill, Thomas (D), Knight (A), Sanderson, Allen, Townsend, Payne, Burke, Pringle, Crigler, Gaston, McMillan, Vance, Wren, Flowers, Johnson (R), Seibenhener, Baker, Moore, Clouse, Hamilton, Morrow, Galliher, Carns, Lindsey, Spratt, Melton, and Smith:

H. 302. Relating to civil actions for fraud to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an

action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered, the fraud, to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into one cause of action whether committed by misrepresentation or suppression; and to specifically repeal Section 6-11-27 and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Ford and Galliher:

H. 303. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Johnson (R):

H. 304. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities or services, to provide that an existing provider of home health services meeting specified criteria may accept referrals from counties contiguous to those constituting the existing service area as of the effective date of this act without obtaining a new certificate of need.

COMMITTEE ON HEALTH

By Representative Burke:

H. 305. To amend Sections 41-16-21 and 41-16-51, Code of Alabama 1975, to exempt from competitive bidding all existing contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public two-year and four-year colleges and universities of the state.

COMMITTEE ON EDUCATION

By Representative Black (M):

H. 306. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

COMMITTEE ON JUDICIARY

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By Representatives Black (M), Hawkins, and Sanderson:

H. 307. To amend Section 13A-12-27 of the Code of Alabama 1975, relating to the possession of a gambling device, to eliminate the requirement of proof of intent to use the gambling device in the advancement of unlawful gambling activity to be guilty of possession of a gambling device; and to provide for certain exemptions.

COMMITTEE ON JUDICIARY

By Representatives Minnifield and Laird:

H. 308. To amend Section 10 of Act No. 96-320, H. 430, 1996 Regular Session now appearing as Section 11-47-228 of the Code of Alabama 1975, to provide further for the tax exemption granted to certain public authorities.

COMMITTEE ON WAYS AND MEANS

By Representatives Minnifield and Johnson (E) (With Notice and Proof):

H. 309. Relating to Class 1 municipalities; to provide subject to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 309, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M):

H. 310. Requiring any managed-care entity health plan that restricts utilization to offer enrollees a coverage for out-of-network service by self-referral option with an enhanced premium.

COMMITTEE ON HEALTH

By Representative Fuller:

H. 311. To provide that certain members of the state retirement systems shall have a one-time option of participating in an early retirement incentive program and receiving payment for a certain amount of accrued or unused sick leave at retirement.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 312. Relating to elections; amending Sections 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, and 36-25-15, Code of Alabama 1975, to further regulate the financing of political campaigns and to provide further for penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 313. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-2, 17-22A-11, and 17-22A-12 of the Code of Alabama 1975, and repealing Section 17-22A-13, Code of Alabama 1975; to provide further for the identification of sponsors in political advertising and, in specific circumstances, the three largest contributors to the sponsor; to provide further for the prohibition of political advertising made with actual malice which includes false statements of material facts, false representations that a candidate is an incumbent, or false claims concerning the endorsements received by a candidate; and to provide further for the standards for using candidate pictures in political advertising.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Pringle:

H. 314. Relating to the establishment of the Patient Protection Act of 1997; to define terms; to provide that a managed care plan shall insure adequate coverage for and continuity of health care services; to prohibit restrictions on the disclosure of essential medical or appropriate health care information by physicians or providers to patients; to prescribe requirements that a managed care plan shall not offer financial incentives to providers as an inducement to limit or reduce medically necessary services; to prescribe requirements for provider panel selection and termination or deselection of providers by managed care plans; to require the establishment of grievance and appeal procedures for enrollees and providers; to require that managed care plans establish a quality assurance program; to designate the Department of Public Health as the agency to enforce the provisions of this act and adopt the rules and regulations in accordance with the Alabama Administrative Procedure Act; to authorize the State Department of Public Health to assess administrative fines for violations of the act; to prescribe a duty of ordinary care and good faith for managed care plans; to provide that the act shall not repeal the Health Care Service Utilization Review Act, the Medical Liability Act of 1987, the Medical Liability Act of 1996 or any other existing law; to amend the Patient Right to Know Act, Act 96-651, 1996 Regular Session, now appearing as Section 27-1-20, Code of Alabama 1975; and to prescribe that this act shall become effective October 1, 1997.

COMMITTEE ON HEALTH

By Representative Boyd:

H. 315. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

COMMITTEE ON JUDICIARY

By Representative Newton (C):

H. 316. Relating to insurance, to provide further for the regulation of Medicare supplement insurance and long-term care insurance by amending Sections 27-19-50, 27-19-52, 27-19-53, 27-19-54, 27-19-55, 27-19-56, and 27-19-57 of, and to add Sections 27-19-52.1, 27-19-57.1, 27-19-57.2, and 27-19-59 to the Code of Alabama 1975, and adding an Article 3 (commencing with Section 27-19-100) to Chapter 19 of Title 27 of the Code of Alabama 1975, establishing the "Long-Term Care Insurance Policy Minimum Standards Act."

COMMITTEE ON INSURANCE

By Representative Newton (C):

H. 317. To amend Sections 9-17-105, 9-17-106, and 9-17-110, relating to the Liquefied Petroleum Gas Board to further provide for the permits issued by the board; and for the use of the Liquefied Petroleum Gas Research and Education Fund.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Laird:

H. 318. Relating to the rights of patients in managed care plans in the State of Alabama; requiring: Emergency medical services, and access to health care services, notification of patients of changes in the status of a health care provider; allowing physicians to disclose medically necessary or appropriate health care information to patients; prohibiting certain financial incentives to reduce or limit medically necessary services to patients; providing a self-referral option for certain patients; establishing a complaint and grievance system; requiring certain provisions in provider agreements; affording notice of the sale or rental of provider network discounted fee arrangements; and providing a mechanism for enforcement of the act's provisions.

COMMITTEE ON INSURANCE

By Representatives Carns, Laird, Haney, Hawkins, Allen, Murphree, McDaniel, Sanderford, Morton, Gaines, Petelos, Townsend, Jorgensen, McKee, Hamilton, Maull, Collins, Turner, Gaston, Dean, Crigler, Clouse, Knight (A), Pringle, Wren, Layson, Baker, Gipson, Flowers, Johnson (R), Galliher, Payne, Hill, Rogers (M), Turnham, Sims, Curry, Sanderson, and Willis:

H. 319. Establishing the Family Assistance and Personal Responsibility Act; providing for the operation of the Family Assistance Program for recipients to receive temporary assistance for needy families; providing for a family's assistance benefit level to be frozen or not increased upon the birth of an additional child; limiting assistance to five years; providing for the development of Family Responsibility Plans; providing certain requirements for minors to receive assistance; providing for recipients of assistance to engage in work; providing for the Department of Human Resources to administer the program and to enforce requirements to deny assistance or penalize recipients under certain circumstances; allowing the Department of Human Resources to contract with public and private entities for work activities of recipients; providing for certain incentives for participating in work activities; restricting the use and disclosure of information relating to recipients receiving assistance; providing for penalties; amending Sections 38-1-1, 38-1-4, and 38-4-3, Code of Alabama 1975; and specifically repealing Section 38-4-10, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Minnifield:

H. 320. To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

COMMITTEE ON TOURISM, ENTERTAINMENT AND SPORTS

RESOLUTIONS

The following resolution was introduced:

By Representatives Curry, Fuller and Knight (J):

H.J.R. 6. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY EMPLOYEE COMPENSATION FOR ALABAMA STATE GOVERNMENT

The resolution, H.J.R. 6, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

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By Representative Hammett:

H.R. 7. COMMENDING THE OPP LIONS CLUB FOR OUTSTANDING SERVICE TO THE OPP COMMUNITY.

Also:

By Representative Hammett:

H.R. 8. MOURNING THE DEATH OF GLADE MERRILL MCBRYDE OF ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 9. COMMENDING LILLIAN ELIZABETH MEADOWS WYATT ON HER 100TH BIRTHDAY.

Also:

By Representative Hammett:

H.R. 10. COMMENDING DAVID LUCAS FOR OUTSTANDING SERVICE TO THE CITY OF ANDALUSIA, ALABAMA.

Also:

By Representatives Hammett and Dukes:

H.R. 11. MOURNING THE DEATH OF JOHN PORTEMONT, JR., OF ANDALUSIA, ALABAMA.

Also:

By Representative Hammett:

H.R. 12. COMMENDING MR. MIKE DUBOSE UPON BEING NAMED HEAD FOOTBALL COACH OF THE UNIVERSITY OF ALABAMA.

Also:

By Representative Hammett:

H.R. 13. COMMENDING MARY ANN DONALDSON AS 1996 WOMAN OF THE YEAR.

Also:

By Representative Hammett:

H.R. 14. CONGRATULATING BILL GODWIN AS RECIPIENT OF THE GOVERNOR'S 1996 ALABAMA'S SOIL CONSERVATIONIST OF THE YEAR AWARD.

Also:

By Representative Flowers:

H.R. 15. COMMENDING RADIO STATION WTBK IN TROY, ALABAMA, ON ITS 50TH ANNIVERSARY OF SERVICE TO THE TROY COMMUNITY.

Also:

By Representative Hall (A):

H.R. 16. MOURNING THE DEATH OF BERNARD ELLIS HARLESS OF GURLEY, ALABAMA.

Also:

By Representative Rogers (M):

H.R. 17. COMMENDING MATTHEW BERNARD GARRETT OF ANNISTON, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

By Representative Hall (A):

H.R. 18. CONGRATULATING SARA DUDLEY HALL ON THE OCCASION OF HER 94TH BIRTHDAY.

Also:

By Representatives Papucci and Jorgensen:

H.R. 19. COMMENDING LAURA ARCE FOR OUTSTANDING CONTRIBUTIONS TO THE CITY OF MADISON, ALABAMA.

Also:

The following resolutions were introduced:

By Representatives Johnson (R) and Knight (A):

H.J.R. 20. EXTENDING THE JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS AND PROVIDING FURTHER FOR THE EXPENSES.

The resolution, H.J.R. 20, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 21. COMMENDING THOMAS STEVEN ELLISOR FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

The resolution, H.J.R. 21, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gaston:

H.J.R. 22. COMMENDING EDDIE G. HAMILTON ON HIS OUTSTANDING ACHIEVEMENTS.

The resolution, H.J.R. 22, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.J.R. 23. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF PROVIDING TELEVISED LEGISLATIVE PROCEEDINGS.

The resolution, H.J.R. 23, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Buskey and Turner:

H.J.R. 24. NAMING THE "CARL WILLIAMS BRIDGE" IN MOBILE.

The resolution, H.J.R. 24, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.J.R. 25. MOURNING THE DEATH OF JOHN DEGARIS OF PELL CITY, ALABAMA.

The resolution, H.J.R. 25, was read and referred to the Standing Committee on Rules.

Also:

By Representative Dean:

H.J.R. 26. COMMENDING GERALD DEAS FOR OUTSTANDING ACHIEVEMENTS AT THE INTERNATIONAL LAW ENFORCEMENT GAMES.

The resolution, H.J.R. 26, was read and referred to the Standing Committee on Rules.

Also:

By Representative Thomas (D):

H.J.R. 27. MOURNING THE DEATH OF VERNER O. ROBERTS OF TRUSSVILLE, ALABAMA.

The resolution, H.J.R. 27, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 28. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

The resolution, H.J.R. 28, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 29. TO CREATE A WELFARE TO WORK TASK FORCE TO STUDY ONE STOP CENTERS

The resolution, H.J.R. 29, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 30. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED RULE NO. 410-2-4-.12, ENTITLED "AMBULATORY SURGERY."

The resolution, H.J.R. 30, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 31. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

The resolution, H.J.R. 31, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hinshaw, Hall (A) and Jorgensen:

H.J.R. 32. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON CONTRACTUAL RELATIONSHIP BETWEEN PHP HEALTHCARE, INC. AND THE STATE OF ALABAMA.

The resolution, H.J.R. 32, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gipson and Black (L):

H.J.R. 33. COMMENDING WILLIAM EWING MELLOWN, JR., ON HIS PROFESSIONAL ACHIEVEMENTS.

The resolution, H.J.R. 33, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clark (J):

H.J.R. 34. COMMENDING DR. JON TOORCHEN, FCSD, U.K., AND HIS OUTSTANDING WORK COMMEMORATING THE 130TH ANNIVERSARY OF THE C.S.S. ALABAMA.

The resolution, H.J.R. 34, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clark (J):

H.J.R. 35. PROVIDING FURTHER FOR EXPENSE ALLOWANCES AND PER DIEM.

The resolution, H.J.R. 35, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (A), Sanderford, Hinshaw, Haney, Papucci, Hall (L) and Jorgensen:

H.J.R. 36. MOURNING THE DEATH OF JAMES RECORD OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 36, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (M):

H.J.R. 37. COMMENDING COACH BOBBY JOE JOHNSON FOR HIS OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

The resolution, H.J.R. 37, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Clouse:

H.R. 38. COMMENDING LT. COL. (RET.) JIM DUHAIME AS RECIPIENT OF THE JROTC COACH OF THE YEAR.

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Also:

By Representative Clouse:

H.R. 39. COMMENDING THE DALEVILLE HIGH SCHOOL JROTC WARHAWK RIFLE TEAM.

Also:

The following resolutions were introduced:

By Representative Spratt:

H.J.R. 40. CONGRATULATING TIMOTHY AND LILLIE D. HOLMES ON THEIR 50TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 40, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Crigler, Turner, Penry, Buskey, Mitchell, McMillan, Flowers, Clark (W) and Dean:

H.J.R. 41. COMMENDING E. DOODY PETERS ON HIS OUTSTANDING ACHIEVEMENTS AS AN OYSTER CATCHER.

The resolution, H.J.R. 41, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Robinson:

H.R. 42. COMMENDING THE SCOTTSBORO HIGH SCHOOL MARCHING BAND ON ITS OUTSTANDING ACCOMPLISHMENTS.

Also:

The following resolution was introduced:

By Representative Kennedy:

H.J.R. 43. REQUESTING A STATEMENT OF MISSIONS AND GOALS OF THE ALABAMA STATE DOCKS FOR FISCAL YEARS 1997 AND 1998.

The resolution, H.J.R. 43, was read and referred to the Standing Committee on Rules.

RECESS

On motion of Representative Burke, the House recessed for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama at 6:30 o'clock p.m. and at the completion of the Joint Session, the House will stand in adjournment until 10:00 o'clock a.m., Thursday, February 6, 1997.

JOINT SESSION

Pursuant to the resolution, H.J.R. 3, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives, Alabama State Capitol, 600 Dexter Avenue, Montgomery, Alabama, for the purpose of hearing an address by the Honorable Fob James, Governor of the State of Alabama.

The Joint Session was called to order by the Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

His Excellency, Fob James, Governor of the State of Alabama appeared before the joint session and delivered the following address to the Members of the Legislature of Alabama:

Mr. Speaker, Governor Siegelman, Ladies and Gentlemen of the House, the Senate and the High Courts, my fellow Alabamians, on behalf of the executive branch of state government, it is my privilege and duty to report to you on the State of the State.

I cannot help but note the absence of some familiar faces and the presence of new ones. The Legislature and the state suffered a heavy loss on September 13, 1996, when Senator Michael Figures of Mobile unexpectedly departed this life. I welcome Senator Vivian Davis Figures, Michael's courageous widow.

We lost a dedicated public servant and dear friend when Representative Sam Letson of Moulton died just after last year's session began. I look forward to serving with Sam's brother, Rep. Jody Letson, as we continue Sam's good work.

You may be proud of concrete achievements the past two years. You sent to the people three constitutional amendments to curb judicial activism and the people of this state ratified every single one of them.

You enacted a competitive incentive plan to attract industry and it did. And I am pleased to report Alabama's unemployment rate is the lowest ever--four percent.

Alabama state government is more efficient. As a result there is absolutely no need for new or increased state taxes, as this year's General Fund has a projected surplus of some 40-million dollars.

This surplus is the product of hard work by cabinet members and state employees who reduced the cost of many agencies, starting with the Governor's Office and the Finance Department.

As a result of natural attrition and a hiring freeze, we have 3,138 fewer employees and a savings to the taxpayers of over 60-million dollars. And, with continued good stewardship, the day may be near when state taxes can be cut.

Competitive bidding and out-sourcing are good tools, and I will continue to use them to the fullest extent.

You passed a law that protects the citizen from vote fraud by absentee ballot. Now I urge you to pass our Voter Identification Bill that will protect the citizen from other forms of voter fraud such as someone voting more than once or voting on behalf of a deceased person. Always remember, honest government starts with honest elections.

In accord with our 1995 Education Reform Act, strong action has been taken where needed to remove mismanagement and academic failure from public schools. And with the enactment of this year's budget, we will have increased funding for K-12 by almost one-half billion dollars without raising taxes one red cent.

I thank our State Superintendent of Education, Dr. Ed Richardson, and Deputy Superintendents, Drs. Jimmy Baker and Joe Morton, along with local school officials and teachers for their good work. We must never forget it is the classroom teacher who carries the burden of instruction and discipline, the essence of learning. I salute them all with appreciation and respect.

And speaking of good work, let me recognize the Winfield City School System, its Superintendent, Dr. Dale Brasher, and principals, teachers, students, and parents. When tested by national standards, Winfield ranked fifth out of 127 Alabama school systems. Yet, Winfield ranks 121st of 127 in funding!

Dr. Brasher, you set an example from which we can all learn. Dr. Brasher is with us tonight and he is due not only our gratitude but also a strong round of applause.

HIGHER EDUCATION

I would like to speak candidly with you about waste, duplication and governance in post-secondary education.

Comparisons to neighboring states make my point without room for serious contradiction. As a benchmark, Alabama will spend 962-million dollars this year and has a population of 4.2 million people.

Simply to match what we now spend, the Georgia Legislature would have to increase its per capita appropriation for higher education by 25 percent; Florida, by 60 percent; and Tennessee, by 27 percent.

Let's look a little closer. Tennessee spends 934-million dollars and has one-million or 24 percent more people, yet Alabama spends not less, as you might expect. We spend three percent or 28-million more dollars than Tennessee.

Louisiana spends 646-million dollars and has about the same population as we have, and so you would think we would spend about the same. Wrong! Alabama spends 317-million more dollars. That, ladies and gentlemen, is a whopping 33 percent more than a state with the same population!

The comparisons could go on, and we don't have to stay in the deep South to prove the point. The great farming and industrial state of Wisconsin spends just under one-billion dollars yet has almost one-million of 20 percent more people than Alabama. Does Wisconsin spend 20 percent more than we do? No, Wisconsin spends practically the same amount.

We now have 15 four-year institutions in Alabama. Simply to reach the point of saturation, Florida would have to open 41 brand new four-year schools in the morning; Georgia, 11; South Carolina, six; and Tennessee, nine. It sounds like an SEC football scoreboard.

The comparisons to other states for two-year schools are comparable.

Can we conclude by all of this that the Alabama taxpayer wants to send a lot more money to Montgomery? I think not, as I have yet to meet the first taxpayer with a voluntary check to the Revenue Department.

Do not misunderstand me, I have the deepest appreciation for higher education and for the role of our junior colleges and technical schools. Please do not read my insistence on pruning as hostility. To the contrary, as any good gardener knows, pruning what needs to be pruned will make a much better garden. Hence, pruning will enhance the quality of post-secondary education in its entirety, as we build on our strengths and eliminate our weaknesses.

Now, you the legislators hold the purse strings lock, stock, and barrel. So if there is going to be pruning, you have got to do it or designate someone to do it. I volunteer.

I have two options that I offer for your consideration to achieve a 10 percent pruning and, I might add, I have never seen anything of substantial magnitude that could not be pruned by a mere 10 percent and improved at the same time.

Option One--Fold all four-year colleges into two systems--Alabama and Auburn; with the president of the University of Alabama, Tuscaloosa campus, being in charge of the Alabama system, and the president of Auburn University being in charge of the Auburn system.

Option Two--Create a nine-member board of regents comprised of one member from each Congressional district appointed by the Governor, confirmed by the Senate to six-year staggered terms, and the Finance Director and the Governor as chairman. ACHE would be made part of the board of regents, and the director of ACHE would serve at the pleasure of the board. ACHE would administer the business of the board of regents at no extra cost.

I would leave governance of two-year schools under the State Board of Education because grades 13 and 14 whether liberal arts or technical are a continuation of K-12. The same principle of pruning by 10 percent would apply here with equal force. I would streamline the Chancellor's office to one of quality and cost control.

Implementing these proposals should reduce the cost of two and four-year schools by at least 10 percent. From these savings, we will have a merit scholarship trust fund of 100-million dollars per year to enable 75-thousand Alabama students to attend the college of their choice. The competition created by these scholarships would be an added incentive to excel for school and scholar alike.

WELFARE REFORM

For once, Washington has built a road that carries power and control out of, rather than into, the federal government. I speak of the newly enacted welfare reform and the obligations of all states to implement it. I have a copy of it here and, as you can see, its 820 pages long. About 800 pages too long, which is typical of big government.

We saw these changes coming and in December of 1995, I appointed a 38-member Commission on Welfare Reform. I would like to thank all the members for their hard work and recognize the legislative members of that commission--Reps. Carns, Baker, Maull, Hooper, and Jackson and Senators Adams, Sanders and Clay. I would be remiss if I did not take special note of the tireless efforts of Rep. Jim Carns, the able chair of this commission who brings credit to the calling of public service.

Let me quote an American president who wisely foresaw the problems of today. He said:

"The lessons of history show conclusively that continued dependence on relief induces a spiritual and moral disintegration fundamentally destructive to the national fiber. To dole out relief in this way is to administer a narcotic, a subtle destroyer of the human spirit." So spoke Franklin Delano Roosevelt over 60 years ago.

And so, over 60 years later, ending subsidized irresponsibility will be the guiding principle of welfare reform in Alabama.

I wish to express my deepest appreciation to Mrs. Martha Nachman, our welfare commissioner, for her vigorous and candid effort to shed the light of truth on this issue. Martha, you are on the right track--never look back as we stand behind you 100 percent.

I remain committed without apology to the two propositions that a mother needs a husband and a child needs both a father and a name. Welfare reform must include provisions to prevent out-of-wedlock pregnancies and to encourage marriage. As called for by a federal law known as the Personal Responsibility and Work Opportunity Act of 1996, I will ask for laws that will locate absentee parents, or, since most of the offenders are men, "deadbeat dads." Alabama has 70-thousand parents owing about one-billion dollars who are more than six months behind in child support.

And we are spending over 50-million dollars per year just to collect this money. Therefore, we must require businesses to disclose new hires to the Department of Industrial Relations. Men who father children may try to run from their responsibilities but, with such controls in place, they won't be able to hide. Through this system we can also catch fraudulent claims for unemployment benefits, and reduce this form of welfare fraud.

We must be methodical as we do not want innocent children to go hungry nor should we refuse aid to someone who truly needs help. Welfare reform should provide assistance in locating jobs, recognizing that employment may be easier to come by in some counties than in others.

If it is hard-hearted to be unsympathetic to the slothful, and the cheat, then I plead guilty. And, if it is soft-hearted to be supportive of the innocent and truly disadvantaged citizens of this state, then I plead guilty again. When all is said and done, the noble cause of compassion for the less fortunate should no longer be invoked in justification of a welfare system that rewards dependency and irresponsibility.

TORT REFORM

Another road we must travel together is the road to tort reform. I view tort reform as a part of civil law that runs parallel to the criminal law because the reason for an award of punitive damage is to punish and deter the wrongdoer. However, tort law that creates inconsistent penalties, frivolous lawsuits, and inflated insurance premiums is wrong--dead wrong.

On the other hand, a code of civil and criminal law that does not fully protect the injured party is equally wrong--equally dead wrong.

In the past we have been unable to address this issue except by constitutional amendment because the Alabama Supreme Court ruled in 1993 that limits on punitive damages established by the 1987 Legislature violated the Alabama Constitution.

This intrusion into the authority of the Legislature by our Supreme Court left us without any real standards. Then, last summer, the United States Supreme Court held in *Gore vs. BMW* that our standardless system violated the United States Constitution, a failure that came as a direct result of the Alabama Supreme Court's 1993 intrusion into the power of the Legislature. The issue has thus come back to you--where it belonged in the first place.

In our civil code, I propose to cap punitive damages at 750-thousand dollars except for wrongful death actions. This change will impose a cap in a dollar amount identical to that recently enacted in Texas.

Our criminal code at present time does not include criminal fraud which is a disgrace. I propose the toughest criminal fraud bill our able Attorney General, Bill Pryor, can design.

A criminal fraud bill that punishes the wrongdoer with a Class C Felony, which carries a jail sentence of one-to-ten years and/or a fine of up to five-thousand dollars or up to twice the ill-gotten gain. That means a corporation guilty of criminal fraud that made 2-million dollars could be hit with a 4-million dollar fine payable to the state of Alabama.

Yours is not an easy task. We have 50 states and there are 50 flavors of tort law. But, remember, justice is what we seek. I believe this proposal moves us closer to justice for every Alabamian.

HIGHWAYS

I propose a 700-million dollar highway bond issue:

(1) To speed up four-laning of major state highway projects, such as Highway 331 from State Route 94 to LeGrand, Highway 280 from the Tallapoosa River to Opelika, U.S. 80 from east of the river in Marengo County to west of the river in Sumter County and the Uniontown Bypass in Marengo and Perry Counties, and a segment of U.S. 82 from Reform to the Tuscaloosa County line.

(2) To continue with the work on the Patton Island Bridge in Florence, the Birmingham Northern Beltline, the Huntsville Southern Bypass, the 3rd River Bridge in Tuscaloosa, and the Montgomery Outer Loop.

(3) To accelerate construction of roads and bridges that you know deserve top priority, yet without this bond issue will be delayed another five or more years. Such projects include:

U.S. 431 from the Barbour County line to north of Pittsview

Anniston East Bypass

State Route 77 in Etowah County from Green Valley to Sunset Drive, and also U.S. 411 from Gadsden to Turkeytown

(4) Bond proceeds will also allow us to initiate engineering studies on:

U.S. 43 from Tuscaloosa to Corridor X

U.S. 98 in Mobile from the Mississippi line to Snow Road

A freeway connector from Dothan to I-10

(5) And to provide a minimum of one-million dollars to each of our 67 counties with a total commitment of 83-million dollars to build and repair Alabama's rural roads and bridges.

We will pay for this bond issue with the present debt service stream as existing debt is retired and from savings generated from efficiencies in the operations of the Highway Department. We will not touch one cent of current funding for construction.

The people of Alabama need these roads and bridges for stronger economic growth, for greater job opportunity, for increasing tourism and for their safety and convenience. I submit to you this bond issue is just plain, good business.

INITIATIVE AND REFERENDUM

I support, as always, a strong initiative and referendum amendment, and I hope you will give this great principle the serious attention that it deserves.

It would be enlightening, indeed, for the people to vote on the initiatives just raised.

PARTIAL BIRTH ABORTION

There are moral issues from which we cannot escape. Therefore, I will propose legislation prohibiting partial birth abortions unless the mother's life is endangered. I will propose legislation requiring that 48 hours prior to an abortion the mother be notified who will perform the procedure, what the procedure will entail, the risks associated with the procedure, and most importantly, the alternatives to this procedure. Should the individual be a minor, our legislation will require that the parent or guardian sign a consent form in front of the provider.

CHILDREN

I recently received a letter from Miss Jenny Lynn Watson, age 10, from Enterprise, Alabama. In it she wrote, "Please set aside a day honoring children in my community and other children in Alabama." Yes, Jenny, with the concurrence of Speaker Clark, Governor Siegelman, and the Alabama Legislature we shall dedicate this session to all of Alabama's children.

We long for the day when responsible parenthood in our society will reach such high level that government is neither needed nor much wanted in family life. We must keep in mind that most parents care deeply for their children, act in accordance with a parent's natural love for their child, raise their children as best they can, and believe that the government has neither legal nor moral authority to interfere in the home.

We must also be certain that when a child is in danger from abuse or neglect or in harm's way, the immediate protection of that child supersedes all other considerations.

Let us do our best to strike the proper balance in the laws we pass and the appropriations we make for the care of children.

We are currently spending through 13 state agencies and 57 programs 1.54-billion dollars in state and federal funds for children. In addition, we are spending another 17-million dollars through 15 other agencies. All told, 1.56-billion dollars excluding city and county funding.

What does all of this mean? Are our multi-billion dollar efforts getting the desired results? I'm not sure, but my budget proposal will include all of the above-mentioned state appropriations and, in addition, a three-million dollar increase for community detention subsidies and 30-million new dollars from the General Fund for children's welfare and protection.

I don't have all the answers on this issue, but I will gladly walk the last mile to help any child, and I request we walk this mile together and put our total attention to finding the true cause and the real cure for child neglect and abuse in our society.

QUINTS

Let me close this discussion of children with a phenomenon that gives dramatic meaning to the time-worn phrase, "blessed event" or, should I say, "blessed events." Never in the history of our republic have five healthy male quintuplets been born, until a four-minute span on August 8, 1996, right here in Montgomery. Tonight I have the privilege of introducing to you the only set of healthy male quints ever born in this country.

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In a setting where survival is often a struggle these little boys have shown strength, heart and perseverance. On Saturday they mark six months of life in good health.

Let's welcome Amy and Eric Guttensohn and little Hunter, Mason, Parker, Tanner and Taylor.

I have issued an official proclamation declaring this to be Guttensohn Day in Alabama. Amy and Eric, you have a bountiful blessing from God, and I pledge to do all I can to make this state a place where these boys and the rest of the children of this state can reach their highest potential.

I thank all of the Guttensohns for being here tonight.

**BALANCED BUDGET AMENDMENT
AND CONCLUSION**

And finally, as we approach the 21st Century, the absence of a balanced budget amendment to the U.S. Constitution is the dominant threat to the liberty of the American people. I think Congress will not fail its duty to pass the amendment, but then it must be ratified by three-fourths of the state Legislatures. It is my hope and prayer you will be the first Legislature in the nation to ratify a balanced budget amendment. One generation should not enslave the other with debt. The unlimited ability to borrow has resulted in a federal debt totaling 5.3 trillion dollars. That means that a child born today owes nearly 200-thousand dollars in taxes just to pay the interest on the debt. That means the Guttensohn boys were born owing the U.S. government one-million dollars. Such injustice cannot stand.

Thomas Jefferson said, and I quote, "The principle of spending money to be paid by posterity is but swindling futurity on a large scale."

A balanced budget amendment is a guarantor of individual freedom.

We are Alabamians first and always. Partisan politics has no role in serving the people. Rest assured that my administration will work with each of you to advance the well-being of our citizens. All of them.

Thank you for your attention and I extend my best wishes for another good session.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

ADJOURNMENT

The purpose of the Joint Session having been accomplished and in accordance with the motion heretofore adopted, the House adjourned until 10:00 o'clock a.m., Thursday, February 6, 1997.

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SECOND DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 6, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Ed Massey, Retired, First Baptist Church, Springville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Heath Hayes, 12th Grade, Millry High School, Millry, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the first legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the first legislative day was dispensed with.

LEAVE OF ABSENCE

At the request of Representative Rogers (M), leave of absence was granted for Representative Willis.

H. 190 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 190, from the Standing Committee on Education to the Standing Committee on Business and Labor.

H. 251 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 251, from the Standing Committee on Ways and Means to the Standing Committee on Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to notify the Governor, Senators Amari, Dixon, and Hale.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 3. INVITATION FOR JOINT ADDRESS.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate to escort the Governor, Senators Biddle, Figures, and Little.

McDOWELL LEE
Secretary

LEAVE OF ABSENCE

At the request of Representative Clark (J), leave of absence was granted for Representative Boyd.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 5. MOURNING THE DEATH OF GRANVILLE TURNER OF TONEY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Granville Turner of Toney, Alabama, December 25, 1996, at the age of 67 years; and

WHEREAS, Mr. Turner, a former state legislator, served two terms as a member of the House of Representatives representing Limestone County from 1958 to 1966; and

WHEREAS, he was selected by the Capital Press Corps as one of the Outstanding Freshmen in 1959 and, in 1962, was elected by fellow House members to the Legislative Council, serving with honor and distinction on the House Ways and Means Committee, State Administrative Committee, and the Constitution and Elections Committee and Agricultural Committee; and

WHEREAS, an extraordinarily skillful farmer and cattleman, Mr. Turner also was a former president of the Limestone County Farm Bureau and Cattlemen's Association, and was a former director of Athens-Limestone Hospital; and

WHEREAS, a faithful and deeply dedicated member of Copeland Presbyterian Church, Mr. Turner also served with eminence and great dedication as a Mason and Shriner; and

WHEREAS, he is survived by his wife, Anne; son, Stephen; daughters, Sandra McDonald, Kathy Storey, and Kimberly Gamble; and four great grandchildren; and

WHEREAS, Granville Turner was one of Alabama's most prominent citizens whose contributions were of incalculable worth, and one whose many accomplishments earned him the highest regard of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Granville Turner, and do hereby direct that a copy of this resolution be provided for his loving wife, Anne, with our sincere condolence.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 5, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 20. EXTENDING THE JOINT INTERIM LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS AND PROVIDING FURTHER FOR THE EXPENSES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Study Committee to Evaluate Unmet Needs of Caregivers and Victims of Alzheimer's Disease and Related Disorders, established pursuant to Act No. 93-919, HJR 30, 1993 Special Session, is extended and shall report its findings, conclusions, reports, and recommendations on the fifth legislative day of the 1998 Regular Session, at which time the committee shall stand dissolved and discharged of any further duties and liabilities.

Each legislative member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the

State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed \$10,000 per annum.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 20, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 21. COMMENDING THOMAS STEVEN ELLISOR FOR OUT-STANDING PROFESSIONAL AND COMMUNITY SERVICE.

WHEREAS, Thomas Steven Ellisor, a resident of Mobile, Alabama, is recognized by the Alabama Legislature as an exemplar of extraordinary leadership ability; and

WHEREAS, a graduate of the University Military School in Mobile, Alabama, Mr. Ellisor received his B.S. and Master's Degrees from Troy State University, serving as university student senator and as president of Theta Chi Fraternity; and

WHEREAS, an active member of Christ United Methodist Church, he enjoys sharing his musical talents with the Chancel Choir and performing group, Living Sound; he also uses his natural talent and immense vocal abilities with the gospel musical group, Circuit Riders; and

WHEREAS, the number of professional endeavors in which Mr. Ellisor participates are incalculable, and include such service as Vice President of the Board of Directors of the Home of Grace for Women, a member of the Mobile Advisory Council of the United Methodist Children's Home, and as a board member of the Council Traditional School PTA; and

WHEREAS, Mr. Ellisor also serves as 2nd Vice President of the National Juvenile Detention Association and as a Representative for the State of Alabama on the Executive Board of the National Juvenile Detention Association; and

WHEREAS, Thomas Steven Ellisor is indeed a mentor, role model, advisor, and friend to countless individuals and has indeed earned the respect and admiration of the people of his community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Ellisor is commended for the significant contributions that he has made to the people of the Mobile Community and throughout the state and, by copy of this resolution, extended sincere best wishes for continued success in the future.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 21, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 22. COMMENDING EDDIE G. HAMILTON ON HIS OUTSTANDING ACHIEVEMENTS.

WHEREAS, the accomplishments of Eddie G. Hamilton, a ninth-grade student at Baker High School, Mobile, Alabama, are a source of great joy and pride to the Alabama Legislature, and are deserving of highest commendations and heartiest congratulations; and

WHEREAS, Eddie, who was an outstanding student at E. R. Dickson Elementary School, also attended Phillips Preparatory School, and performs skillfully as a member of the Baker High School Marching and Symphonic Bands; and

WHEREAS, he also has distinguished himself as an outstanding member of the Baker High School Junior Varsity Soccer and City League Soccer Teams; and

WHEREAS, a member of Boy Scouts of America, Troop 39, Mobile, Alabama, Eddie has successfully completed the requirements for the prestigious rank of Eagle Scout, earning this coveted rank through countless hard work as a Senior Patrol Leader, obtaining donations and building a swing set for the Bayou La Batre Day Care Center, and meeting other stringent criteria for Eagle Scout status; and

WHEREAS, Eddie is an active member of Solid Rock Church of God and has a warm and loving home firmly grounded on unconditional love; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge and applaud Eddie G. Hamilton of Mobile, Alabama, for the exemplary manner in which he has represented his school and community and, by copy of this resolution, extended sincere best wishes for future success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 22, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 23. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY THE FEASIBILITY OF PROVIDING TELEVISED LEGISLATIVE PROCEEDINGS.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Interim Legislative Committee to Study the Feasibility of Providing Televised Legislative Proceedings is created. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study the feasibility of providing comprehensive televised coverage of the proceedings of the Alabama Legislature.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1998 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. Committee expenses shall be limited to \$10,000.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 23, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 24. NAMING THE "CARL WILLIAMS BRIDGE" IN MOBILE.

WHEREAS, Mr. Carl Williams of Mobile, Alabama, has been an integral part of the road building industry in Mobile over the past 40 years; and

WHEREAS, the newly constructed Moffet Road bridge at University Boulevard in Mobile crosses over the home place and original office complex of Mr. Williams; and

WHEREAS, it is appropriate to honor Mr. Williams for his dedicated service to the road building industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the new Moffet Road bridge at University Boulevard in Mobile shall be named the Carl Williams Bridge, and the appropriate Department of Transportation and Mobile County officials are requested to erect appropriate signs and markers designating the bridge.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 24, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 25. MOURNING THE DEATH OF JOHN DEGARIS OF PELL CITY, ALABAMA.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature mourns the lamentable death of Councilmember John DeGaris of Pell City, Alabama, October 29, 1994, at the age of 61 years; and

WHEREAS, a lifelong resident of Pell City, John DeGaris was first elected to the city council in 1988, and since that time served with honor and distinction, earning the respect and admiration of all members of the community; and

WHEREAS, John DeGaris furthermore served as a member of the Pell City Industrial Board, American Legion, Chamber of Commerce, and the National Guard; the president of the Pell City Kiwanis Club; and Director of Metro Bank in Pell City; and

WHEREAS, a devoted member of Arbor Baptist Church, John DeGaris was indeed an exemplar of good citizenship, as well as a fine husband, father, and friend; his warm and gentle presence will be greatly missed; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby grievously mourn the lamentable death of Councilman John DeGaris of Pell City, Alabama, and extend heartfelt sympathy to his wife, Kate, one daughter, three sons, one sister, two grandchildren, and other close family members and friends for whom a copy of this resolution of sincere condolence shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 25, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 26. COMMENDING GERALD DEAS FOR OUTSTANDING ACHIEVEMENTS AT THE INTERNATIONAL LAW ENFORCEMENT GAMES.

WHEREAS, Gerald Deas, a deputy in the Civil Division of the Mobile Sheriff's Department, was the recipient of the bronze medal in the high powered National Rifle Association (NRA) 800 yards match using a standard military issue M-1 Garand at the International Law Enforcement Games held in Birmingham, Alabama; and

WHEREAS, Mr. Deas is a member of the Individual Ready Reserve of the United States Marine Corps, using the same Garand rifle he used in World War II and Korea; and

WHEREAS, he also has made an enormous impression as a graduate of the Marine Corps' Primary Marksmanship Instructors School and with the Federal Bureau of Investigation's Small Arms Instructors School; and

WHEREAS, Mr. Deas has demonstrated exemplary dedication and ability as the recipient of numerous prestigious medals with the State Police Olympics in Tuscaloosa, Alabama; United States Alamo Palma matches in Mineral Wells, Texas; and with the World Police and Fire Games in Melbourne, Australia; and

WHEREAS, in addition to his countless professional awards, Mr. Deas received the honored Governor's Award, placing him in the top 20 pistol shooters in Alabama; and

WHEREAS, Gerald Deas, whose extensive career has been recognized and admired by his peers for extraordinary leadership and significant achievements, indeed serves as a role model and Goodwill Ambassador for the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend Mr. Deas for his outstanding professional accomplishments and, do further direct that he receive a copy of this resolution extended in sincere admiration and with best wishes for continued future success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 26, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 27. MOURNING THE DEATH OF VERNER O. ROBERTS OF TRUSSVILLE, ALABAMA.

WHEREAS, a source of deep sorrow to the Legislature of Alabama is the lamentable death of Verner O. Roberts of Trussville, Alabama, at the age of 68 years, on April 15, 1996; and

WHEREAS, born to Verner Roberts and Maude Towery Roberts, Mr. Roberts, better known as V.O., attended Childersburg school, and served with patriotism and dedication in the United States Army; and

WHEREAS, he worked tirelessly and with unselfish devotion on behalf of his employees at Morrison's Cafeterias where he was employed for 25 years; and

WHEREAS, Mr. Roberts was a founder and owner of Barbers Cafeteria and Continental Cafeteria, and operated the food service area at Samford University for 18 years, successfully managing seven cafeterias and restaurants at one time; and

WHEREAS, Mr. Roberts had championed scores of causes and had been especially significant in his efforts on behalf of civic and community projects, as well as an ardent supporter of the Republican Party; and

WHEREAS, since 1966, he also had worked generously for several organizations including the Alabama Girls' and Boys' Ranches; and

WHEREAS, left to cherish his memory are his loving wife of 49 1/2 years, Vivian; seven children; 10 grandchildren; one great grandchild; and other relatives and friends; and

WHEREAS, Verner O. Roberts provided a warm and loving home firmly grounded on unconditional love, and he was a source of joy and inspiration to his countless friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express our deepest regret in the death of Mr. Roberts, and extend our most heartfelt sympathy to his bereaved wife, Vivian, for whom a copy of this resolution of sincere condolence shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 27, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 28. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

WHEREAS, herein recorded with deep sorrow and regret is the untimely and lamentable death of Jerry Wilson, a prominent resident of Hamilton, Alabama, on October 29, 1996, at the age of 57 years; and

WHEREAS, a graduate of Haleyville High School and recipient of the Best Scholar Athlete Award, Mr. Wilson received his B.S. Degree in Aerospace Engineering from the University of Alabama and was a member of the Capstone Engineering Society; and

WHEREAS, serving with patriotism and honor in the Army National Guard, Mr. Wilson also was a devoted and faithful member of First Baptist Church, Hamilton, Alabama; and

WHEREAS, he was a successful businessman who founded Buccaneer Homes of Alabama, Inc., in 1971 and Cavalier Homes of Alabama in 1984, and was instrumental in forming Hamilton Packing Company; and

WHEREAS, Mr. Wilson provided invaluable leadership in numerous organizations as a member of the Warrior Basin Economic Development Agency, Inc., and Chief Executives Network, and was a guardian member of the Boy Scouts of America; and

WHEREAS, an honor indicative of the high esteem in which he was held in the community, Mr. Wilson was named Alumnus of the Year at Haleyville High School and, he and his wife, Judy, were named Citizens of the Year by the Hamilton Kiwanis Club; and

WHEREAS, one of Mr. Wilson's most memorable accomplishments was the establishment of the Jessie S. Wilson Memorial Scholarship Fund to assist students in obtaining a college education; and

WHEREAS, the high esteem in which Jerry Wilson was held by his loving wife, Judith Harris; devoted sons, Jay and Jonathan; and myriad of friends, and other individuals fortunate enough to have known him stands as a testament for others who strive for the best in personal, professional, public, and community life, and his memory will live forever in the hearts and minds of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend our very deepest sympathy to his wife, Judy, for whom a copy of this resolution is provided, and to other family members with our sincere condolence that they may know of our concern for them in their great and grievous loss.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 28, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 29. TO CREATE A WELFARE TO WORK TASK FORCE TO STUDY ONE STOP CENTERS

WHEREAS, on August 22, 1996, President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to "end welfare as we know it"; and

WHEREAS, as a result of the passage of this act, states are faced with the enormous responsibility of moving welfare recipients to work in a relatively short period of time; and

WHEREAS, it would seem to be most convenient for beneficiaries to access needs and eligibility at one place; and

WHEREAS, it would seem to be most efficient for taxpayers to avoid duplication and abuse of welfare programs; and

WHEREAS, it is in the best interest of the state to find innovative approaches to connect welfare recipients to work in order to promote self-sufficiency rather than welfare dependency; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Welfare To Work Task Force which shall be charged with the responsibility of evaluating the effectiveness of one stop centers in providing a broad array of services including career information, educational and vocational training, assessment of job skills, and initial eligibility information to welfare recipients in an easily accessible location. The Task Force shall also evaluate the effectiveness of one stop centers in other states.

BE IT FURTHER RESOLVED, That the Welfare To Work Task Force shall be composed of three appointees of the Governor, three members of the Senate appointed by the Lieutenant Governor, three members of the House of Representatives appointed by the Speaker, a representative from the Department of Human Resources, a representative from the Department of Industrial Relations, a representative from the Department of Education, a representative from the Department of Postsecondary Education, and a representative from the Department of Economic and Community Affairs. Staff assistance of the Welfare To Work Task Force shall be provided by the Legislature. Members of the Task Force shall serve without compensation, but will be reimbursed for actual travel expenses. The total expenditures of the Task Force shall not exceed \$10,000. The Welfare To Work Task Force shall report its findings to the Governor and Legislature no later than the first week of the 1998 Regular Session upon which time the Task Force shall be dissolved.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Governor.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 29, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 30. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED RULE NO. 410-2-4-.12, ENTITLED "AMBULATORY SURGERY."

WHEREAS, the State Health Planning and Development Agency filed a "Notice of Intended Action" of proposed Rule No. 410-2-4-.12, entitled "Ambulatory Surgery," which notice was published in the Alabama Administrative Monthly, dated August 30, 1996; and

WHEREAS, the State Health Planning and Development Agency certified to the Legislative Reference Service the adoption of Rule No. 410-2-4-.12, on January 8, 1997, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on January 23, 1997; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(c), Code of Alabama 1975, disapproved proposed Rule No. 410-2-4-.12, entitled "Ambulatory Surgery"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove proposed Rule No. 410-2-4-.12, entitled "Ambulatory Surgery," is sustained.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 30, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 31. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of our colleague and friend, Michael A. Figures, of Mobile, Alabama, September 13, 1996, at the age of only 48 years; and

WHEREAS, born on October 13, 1947, to the Reverend Coleman Figures and the late Mrs. Augusta Figures, in Mobile, Alabama, Mr. Figures was a faithful member of Green Grove Missionary Baptist Church where his father is pastor; and

WHEREAS, he received his Bachelor of Arts Degree in History from Stillman College in 1969, pursued studies at the University of Nebraska from 1966-67, and earned his Juris Doctorate Degree from the University of Alabama School of Law in 1972; and

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WHEREAS, a partner in the law firm of Figures, Jackson, and Harris, Michael A. Figures was a prominent member of the Alabama State Senate, who had represented District 33 in Mobile County since 1978, and was serving as President Pro Tempore; and

WHEREAS, he was known statewide for his significant and positive impact upon state government in such capacities as past treasurer of the Democratic Party in 1989; vice chairman of the Alabama Delegation of the Democratic National Convention in 1980; and as a delegate in 1984, 1988, and 1992; and

WHEREAS, a member of the Alabama Bar Association, Mr. Figures served as past president of the Alabama Lawyers Association in 1976; he maintained a central role and was president of the New South Coalition in 1990-91, a political caucus he helped to found in the 1980s that brought blacks and whites together; and was a member of the Board of Trustees of Stillman College; and

WHEREAS, his many accomplishments and awards earned him the highest regard of all those whose lives he touched, including Mobile Jaycees' Outstanding Young Man of Mobile in 1978, and as recipient of the Distinguished Alumni Award of Stillman College National Alumni Association in 1979; and

WHEREAS, other prestigious awards include Outstanding Legislator by the Alabama Senate in 1986, Trial Lawyer of the Year in 1987, and the Candace Award from the National Coalition of 100 Black Women in 1988; and

WHEREAS, Michael A. Figures is indeed to be honored for his illustrious record of personal, professional, public, and civic achievements, as well as his lifetime of service to the Mobile Community and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Michael A. Figures, and extend our very deepest sympathy to his loving wife, Vivian Davis Figures; devoted sons, Jelani Anthony, Shomari Coleman, Akil Michael, and Derrick Demond; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 31, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 32. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON CONTRACTUAL RELATIONSHIP BETWEEN PHP HEALTHCARE, INC. AND THE STATE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study the contract between PHP Healthcare, Inc. and the state. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall investigate all actions and activities relating to the contract between PHP Healthcare, Inc. and the state, including the relationship with the State Board of Veterans Affairs and the State Board of Health. The committee may meet while the Legislature is in session.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth legislative day of the 1998 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 32, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 33. COMMENDING WILLIAM EWING MELLOWN, JR., ON HIS PROFESSIONAL ACHIEVEMENTS.

WHEREAS, Dr. William E. Mellown, Jr., has contributed extensively to the State Department of Education, and as a tribute of his exemplary record of educational services for 40 years, he is deserving of special public commendation; and

WHEREAS, a graduate of Sumter County High School, York, Alabama, Dr. Mellown's eminent tenure as an educator began with a B.S. degree from Limestone State University; A.A. Certification, Teachers' College, Columbia, University; and Master's and Doctor of Education degrees from the University of Alabama; and

WHEREAS, better known as Billy, Dr. Mellown served his profession well as Deputy State Superintendent for 28 years, and as Principal at Saks High School and Assistant Principal at Alexandria High School; and

WHEREAS, employed by the State Department of Education in May 1964, Dr. Mellown focused on some major goals for the Department of Education including educational television and the administration of federal programs; he served on numerous task forces and committees, as well as liaison to Washington, D.C.; and

WHEREAS, Dr. Mellown is married to Jeanette Steedley, and they are the proud parents of a son and daughter-in-law, William E. and Linda Lane Mellown, III; and proud grandparents of Matthew Lane and William E. Mellown, IV; and

WHEREAS, in sincere admiration of his many notable accomplishments as an outstanding educator and school administrator, the Legislature of Alabama acknowledges, with deep gratitude, the invaluable educational contributions of Dr. William E. Mellown, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. William E. Mellown, Jr., for the inspiration and guidance that he has provided to his countless students, and extend sincere best wishes for every success in the future.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 33, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 34. COMMENDING DR. JON TOORCHEN, FCSD, U.K., AND HIS OUTSTANDING WORK COMMEMORATING THE 130TH ANNIVERSARY OF THE C.S.S. ALABAMA.

WHEREAS, Dr. Jon Toorchen of the Chattahoochee Valley, an artist of international talent and renown, and his notable works which include "The Bicentennial Commemorative Print of Georgia" and "The Courthouse Museum in Cleveland" have been celebrated and commended by the Governor and Legislature of Georgia and many other public and private figures and institutions of distinction; and

WHEREAS, Dr. Toorchen has now produced another outstanding print entitled: "The 130th Anniversary of The C.S.S. Alabama," depicting the C.S.S. Alabama in all its glory, and portraits of Admiral Raphael Semmes and his personal weaponry, and Commodore James Dunwoody Bulloch, Confederate Envoy to Great Britain, uncle to President Teddy Roosevelt, and great uncle to Eleanor Roosevelt; and

WHEREAS, this print, which is of especial interest and significance in the annals of Alabama history, has been signed and sealed by former Governor Jim Folsom of Alabama, and also carries the British Royal Coat-of-Arms, the Georgia State Seal, and the Seal of the Confederate Naval Historical Society in Virginia, of which Dr. Toorchen is a distinguished member; and

WHEREAS, indeed, all of these prints represent the consummate artistic compliment to a proclamation drafted in 1995 by the President of the Southeastern Governors Association and Governor Zell Miller of Georgia proclaiming the month of April as "Confederate History and Heritage Month"; and

WHEREAS, Dr. Toorchen has lectured both at home and abroad on "The History of Art and Associated Ideas," and is a deserving holder of the coveted Alexander Medal for Draftsmanship and was elected a Fellow of a Royal Art Society with Prince Philip, Duke of Edinburgh, as its patron; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Dr. Toorchen, one of the South's most noted and accomplished artists, and his latest work commemorating the 130th anniversary of the C.S.S. Alabama, and direct that he receive a copy of this resolution as an expression of our gratitude, tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 34, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 36. MOURNING THE DEATH OF JAMES RECORD OF HUNTSVILLE, ALABAMA.

WHEREAS, it is with a sense of deep sadness and regret that the Alabama Legislature mourns the death of Mr. James Record of Huntsville, Alabama, on December 2, 1996, at the age of 78 years; and

WHEREAS, born on December 27, 1918, in New Market, Alabama, Mr. Record was a graduate of Huntsville High School, and was one of the founders of the University of Alabama in Huntsville, working out a local financing plan for the campus; he subsequently received the first Certificate of Proficiency in accounting from U.A.H. and continued his educational studies from numerous other universities, as well as the Tennessee Valley Business College; and

WHEREAS, an active and faithful member of First Baptist Church for 53 years, Mr. Record married the former Lillian Aho in 1946, and they were the parents of Carole Denise and James Ralph Record, Jr.; and

WHEREAS, serving Madison County government with great leadership abilities since 1947, Mr. Record also instigated numerous projects benefitting Madison County including abolishing R.F.D. addresses, the establishment of the unique Madison County Military Hall of Heroes, and in bringing industry into the county; and

WHEREAS, in addition to his many professional responsibilities and pursuits, Mr. Record was influential in public architecture, considered an authority on Madison County history, and founded and supported countless service organizations in Huntsville and Madison County; and

WHEREAS, appointed chairman of the Madison County Commission in 1962, Mr. Record was instrumental in winning more Excellence of County program awards than any other county of the same size in America; and

WHEREAS, he also was a noted author or co-author of numerous books and was listed in the prestigious Who's Who in Alabama; Who's Who in the South and Southwest, Personalities of the South, and Notable Americans; and

WHEREAS, James Record married the former Ruth Parker McWhorter in 1974, and had two stepchildren, Jim B. and Richard A. McWhorter, now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we extend our very deepest sympathy to his loving wife, Ruth, for whom a copy of this resolution of sincere condolence shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 36, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 37. COMMENDING COACH BOBBY JOE JOHNSON FOR HIS OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

WHEREAS, Coach Bobby Joe Johnson, who is Head Coach at Saks High School, Anniston, Alabama, is widely known and respected not only for his 220-101 career record, but also for the positive impact he has had upon the students under his commanding skill; and

WHEREAS, with the phenomenal leadership of Coach Johnson, the Saks High School Football Team claimed their first state championship game in 28 years; and

WHEREAS, Coach Johnson retired after 31 years of coaching, and it is appropriate that he receive special honor and highest commendation on his outstanding career; and

WHEREAS, countless young people have been inspired, encouraged, and touched by the care and concern shown by Coach Bobby Joe Johnson, and they will carry with them throughout their lives the experience they have gained under his tutelage; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Coach Johnson for his professional accomplishments and contributions to high school athletics, and do further direct that he receive a copy of this resolution with our warmest personal regards.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 37, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 40. CONGRATULATING TIMOTHY AND LILLIE D. HOLMES ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great personal pride and pleasure that Timothy and Lillie D. Holmes are congratulated on the occasion of their 50th Wedding Anniversary; and

WHEREAS, joined in Holy matrimony on February 15, 1947, in Jefferson County, Alabama, Mr. and Mrs. Holmes have remained steadfastly faithful to their wedding vows, and to all those who have witnessed their commitment to the ideals of marriage, the lasting partnership of Mr. and Mrs. Holmes is an enviable example of trust and devotion; and

WHEREAS, Mr. Holmes attended Hooper City High School in Jefferson County and worked tirelessly and with unselfish devotion at the Veterans' Administration Hospital until his retirement in 1983; and

WHEREAS, Mrs. Holmes, who also attended Hooper City High School, was a dedicated and conscientious nurse with the Jefferson County Nursing Home until her retirement in 1992; and

WHEREAS, Mr. and Mrs. Holmes are members of Pilgrim Home Baptist Church where he serves as a deacon and she sings in the choir, and are devoted and obedient servants of God whose lives and deeds are a testimony to their deep and abiding faith; and

WHEREAS, Mr. and Mrs. Holmes are the proud parents of five daughters, Queenie, Yvonne, Velma, Pamela and Temeka; and three sons, Timothy, Jr., Norbert, and Kenneth; and

WHEREAS, Timothy and Lillie D. Holmes have distinguished themselves as highly regarded members of their community, and have set an outstanding example of a cooperative and lasting marital partnership, in which both partners are admired and respected by all who know them; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Mr. and Mrs. Holmes on their 50th Wedding Anniversary; commend them for achieving a long and happy marriage blessed with children, and rich in friendships; and, by copy of this resolution, extend to them best wishes for happiness and good health in the future.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 40, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 41. COMMENDING E. DOODY PETERS ON HIS OUTSTANDING ACHIEVEMENTS AS AN OYSTER CATCHER.

WHEREAS, highest commendation is hereby accorded E. Doody Peters, a native of Dauphin Island, Alabama, for the positive impact he has had with the oyster workers in the Coden Heron Bay Area; and

WHEREAS, a dedicated and conscientious oyster worker with progressive conservation attitudes, Mr. Peters serves variously with the Alabama Oysterman's Association, the State Conservation and Natural Resources Department, and with numerous oil companies drilling Alabama waters to preserve oyster reefs and surrounding fishery; and

WHEREAS, he exerts a profound influence with oyster catchers by guarding against regulations and legislation that would restrict the use and abuse of natural resources; and

WHEREAS, E. Doody Peters is married to Jeanette Wescovich, his loving wife of 50 years, and they are the proud parents of six boys and four girls; and

WHEREAS, an extraordinarily skillful businessman committed to the Coden Heron Bay Area, Mr. Peters also serves as a mentor and friend to the oyster workers, and is indeed qualified to be an advisor to the Department of Conservation and Natural Resources regarding the oyster industry in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That E. Doody Peters is commended on the magnitude of his community service and, by copy of this resolution, extended sincere best wishes for continued success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 41, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 43. REQUESTING A STATEMENT OF MISSIONS AND GOALS OF THE ALABAMA STATE DOCKS FOR FISCAL YEARS 1997 AND 1998.

WHEREAS, the Alabama State Docks is an agency of the State of Alabama directed and designated by law to engage in works of internal improvement of the harbors and riverports within the state and to promote and develop shipping and transportation of products within the state and internationally; and

WHEREAS, the Alabama State Docks is a self-supporting state agency sustaining its growth, operations, and capital improvements through charges to the shippers and customers of the Docks' facilities; and

WHEREAS, the Alabama State Docks generates approximately \$50 million dollars per year from customer charges and fees, and is indirectly responsible for 60,000 jobs for Alabamians; and

WHEREAS, the maintenance and development of infrastructure and facilities for the shipping and transportation industry are vital to the state's economy and to the jobs created thereby; and

WHEREAS, the Legislature has an interest in ensuring economic profitability of the Alabama State Docks; and

WHEREAS, the Legislature desires to ensure the continued improvement of the Alabama State Docks in its performance and quality of service to its customers; and

WHEREAS, the Legislature believes it is in the best interest of the Alabama State Docks and the State of Alabama that a mission statement and strategic goal assessment for the Alabama State Docks be developed by the Director; and

WHEREAS, the Legislature desires that such a mission statement and strategic goal assessment should address an in-depth analysis of sufficient and effective uses of personnel, personnel management, asset management, the financial structure and status of the Alabama State Docks, and an examination of capital facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature requests the Director of the Alabama State Docks to prepare a mission statement and strategic plans and goals for the Alabama State Docks for the fiscal years 1997 and 1998 and to conduct an in-depth analysis of the operations of the Alabama State Docks which shall include, but not be limited to, efficient and effective use of personnel, personnel management, financial structure and status, capital facilities examination, and asset management. The report of the Director shall be presented to the Governor, the Speaker of the House, the Lieutenant Governor, and members of the Legislative Council, by January 1, 1998, and every two years thereafter.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of the Alabama State Docks so that this request is appropriately conveyed.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 43, was adopted.

RESOLUTION

The following resolution was introduced:

By Representatives Turner, Drake, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 44. MOURNING THE DEATH OF FRED LACOY SMITH OF MOBILE, ALABAMA.

WHEREAS, it is with the most profound sorrow and deep sense of loss that word has been received of the death of Fred LaCoy Smith on January 15, 1997; and

WHEREAS, a native of Baxterville, Mississippi, and long-time resident of Mobile, Alabama, Mr. Smith contributed significantly toward the good and well-being of his fellow citizens as a Mobile County Commissioner for 10 years, and served as an intensely involved and valued member of the Alabama Legislature, ably representing Mobile for two terms; and

WHEREAS, affectionately known as "Coy," Mr. Smith also enjoyed an illustrious career with the New York Cardinals Baseball Team for 5 years, and was a versatile man, sensitive to the needs of his family and friends; and

WHEREAS, the memory of Fred LaCoy Smith will be cherished by his loving children, Teresa Weaver, Patti Strickland, Fred LaCoy Smith, Jr., Denise Jones, Kathi Smith and Cheryl Thomas; 12 devoted grandchildren; and other family and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That deepest sympathy is hereby extended to the children of Mr. Smith, for whom a copy of this resolution of sincere condolence shall be provided.

On motion of Representative Turner, the rules were suspended and the resolution, H.J.R. 44, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

I have been directed by the Senate to notify the House that the Senate has elected the following officer:

President Pro Tempore: Dewayne Freeman.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 2. COMMITTEE APPOINTED TO NOTIFY GOVERNOR LEGISLATURE IS IN SESSION.

Also:

H.J.R. 3. INVITATION FOR JOINT ADDRESS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MOTION TO ADJOURN ADOPTED

Representative Carter offered the motion that when the House adjourns today, it adjourns to meet again at 2:00 o'clock p.m. on Wednesday, February 12, 1997, and the motion was adopted.

RESOLUTION

The following resolution was introduced:

By Representative Smith:

H.J.R. 45. RECOGNIZING DONNY MARTIN AS RECIPIENT OF THE CITIZEN OF THE YEAR AWARD.

WHEREAS, Donny Martin has been selected as the Citizen of the Year by the Chilton County Chamber of Commerce in recognition of the vital role that he has played in improving the quality of life in the local community; and

WHEREAS, Mr. Martin has worked tirelessly and with unselfish devotion on behalf of Chilton County in numerous civic organizations including the Chilton County Red Cross, American Red Cross, United Cerebral Palsy, Clanton Lions Club, and Chilton County Rescue Squad; and

WHEREAS, he has donated a remarkable 112 units of blood during the past 39 years, was the recipient of a prestigious 14-gallon insignia pin, and has served as a worthy role model for all public-spirited people of the state; and

WHEREAS, for demonstrating extraordinary community service, a five-year scholarship totaling \$1,000 per year was established for a student attending Chilton County High School in honor of Mr. Martin; and

WHEREAS, Donny Martin, who is married to his loving and supportive, wife, Maggie, indeed personifies that which is the very best in community leadership, and he has made a lasting impression on those individuals with whom he has been associated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Donny Martin is commended for the significant contributions that he has made to the people of Chilton County and throughout the state and, by copy of this resolution, extended sincere best wishes for continued success in the future.

On motion of Representative Smith, the rules were suspended and the resolution, H.J.R. 45, was adopted.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Venable, Baker, Pringle, Page, Wren, Clouse, and Burke:

H. 321. To amend Sections 31-10-2 and 31-10-4 of the Code of Alabama 1975, relating to educational benefits for members of the Alabama National Guard; to provide further for benefits and eligibility requirements.

COMMITTEE ON WAYS AND MEANS

By Representatives Curry, Petelos, and Morrison:

H. 322. To amend Section 15-13-3 of the Code of Alabama 1975, relating to persons ineligible for bail; to provide certain persons charged with non-capital felonies may be detained without bail after a hearing; to create a rebuttable presumption that detention is warranted for certain serious felonies; and to provide for judicial review where defendants have been unable to obtain release from custody on bail.

COMMITTEE ON JUDICIARY

By Representatives Curry, Petelos, and Morrison:

H. 323. Proposing an amendment to Article I, Section 16 of the Constitution of Alabama of 1901; to further provide for pretrial release on bail; and to provide that excessive bail shall not be required for pretrial release.

COMMITTEE ON JUDICIARY

The above bill was read a first time at length as required by the Constitution.

By Representative Curry:

H. 324. To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Curry, Ford, Turner, Hooper, Fuller, Rogers (J), and Crigler:

H. 325. To establish a pension fund for Alabama fire fighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

COMMITTEE ON WAYS AND MEANS

By Representative Clouse:

H. 326. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bidding; to further provide for the awarding of contracts to local preference zones.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Townsend:

H. 327. To state legislative findings, to modify existing law concerning the rights of property insurers by granting insurers, under certain circumstances, the substantive independent right to pursue subrogation and recover amounts paid to their insureds even though the insured may not be fully compensated for all damages sustained; to provide a procedure for the prosecution of such subrogation claims and for rules concerning the joining of parties to suits and the entitlement of the insured and the insurance company to proceeds of any recovery; to allow a subrogating insurer an additional period of 60 days following the expiration of the time allowed by law for the insured to file a civil action against the tortfeasor where the insured has filed no civil action against the tortfeasor for damage to property; to provide a procedure by which a tortfeasor may protect itself from multiple suits; to specify the appropriate forum for and the procedures to be used in resolving disputes arising from the pursuit of subrogation rights afforded by this act; to change existing law prohibiting the splitting of causes of action to permit the insurer to maintain an independent right to recover its subrogation interest from a tortfeasor regardless of whether the insured pursues recovery of other damages from the tortfeasor; to modify the doctrines of res judicata and collateral estoppel to permit insureds and insurers to maintain separate actions for the recovery of their respective losses in such a manner that no action by the insurer will prejudice the rights of the insured; to provide the insured with the option of permitting the

subrogating insurer to pursue and recover the insured's deductible and providing that the subrogating insurer, in that event, shall reimburse the insured his or her deductible out of the first monies recovered; to prohibit double recovery of property damage by an insured and to prohibit insureds from prejudicing the insurer's subrogation rights.

COMMITTEE ON INSURANCE

By Representative Penry:

H. 328. To establish a volunteer health care provider program in the Department of Public Health; to register qualified health care providers willing to volunteer their professional services; to provide for the maintenance of a list of eligible and participating hospitals, clinics, and health care facilities and referral programs in need of volunteer health care services; to make the list available to registered health care providers; and to categorize health care providers registered in the program as state employees for purposes of civil liability.

COMMITTEE ON STATE ADMINISTRATION

By Representative Penry:

H. 329. To provide immunity from civil liability to medical professionals who volunteer their services at free medical clinics without compensation; to require the posting of a notice at the free medical clinic advising patrons of the immunity; to provide that acceptance by a free medical clinic of a contribution made by a person receiving services at the clinic does not constitute a waiver of the immunity; and to provide that an established act or omission of a volunteer medical professional shall be the responsibility of the free medical clinic under the doctrine of "respondeat superior."

COMMITTEE ON HEALTH

By Representatives Penry, Carothers, and Kennedy:

H. 330. To make an appropriation from the Education Trust Fund in the State Treasury to the University of South Alabama Regional Stroke Center, in the amount of \$250,000 for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry, Dukes, Papucci, Dean, Starkey, McMillan, Seibenhener, Petelos, Morrison, Gaston, and Hooper:

H. 331. To provide municipalities with a procedure for the abatement of weeds; to provide for the notice requirement to abate weeds; to authorize the assessment of the cost of abatement as a special assessment against the property where weeds have been removed; to provide that the assessment shall

constitute a lien on the property; to provide methods of collecting the assessments; to authorize the tax collector to collect the assessments; and to provide that this act shall be cumulative in its nature.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Penry:

H. 332. To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Turner:

H. 333. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Turner, Drake, and Rogers (J):

H. 334. Proposing an amendment to the Constitution of Alabama of 1901, to provide that public officials may participate in the Employees' Retirement System of Alabama in lieu of participating in a supernumerary program or system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Hamilton, Starkey, and Carter:

H. 335. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755 of the 1996 Regular Session, to provide further for enforcement of speed limits on highways by municipal law enforcement officers.

COMMITTEE ON HIGHWAY SAFETY

By Representative Rogers (M):

H. 336. To exempt the Anniston Fellowship House, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 337. To amend Section 41-22-27 of the Code of Alabama 1975, to exempt hearings concerning certificate of need before the Certificate of Need Review Board of the State Health Planning and Development Agency from the contested case provisions of the Alabama Administrative Procedure Act, including judicial review.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 338. Relating to criminal procedure and a criminal conviction based upon a plea of nolo contendere; to provide that a criminal conviction based upon a plea of nolo contendere is admissible to the same extent as other criminal convictions; to provide that the plea is not admissible in civil proceedings to establish liability; and to provide for the unavailability of the plea in criminal proceedings.

COMMITTEE ON JUDICIARY

By Representative Fuller:

H. 339. To amend Section 1 of Act 96-539, S. 432, 1996 Regular Session (Acts 1996, p. 755), now appearing in Section 16-5-15 of the Code of Alabama 1975, requiring public institutions of higher education to submit a facilities master plan to the Commission on Higher Education, to further provide for the institutions to submit proposals for new construction, acquisition, or lease-purchase of projects to the Joint Fiscal Committee of the Legislature and to require approval of the committee in order for state funds to be used for the project; and to provide for the effect of the failure of an institution to submit a master plan or update.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 340. Providing for the purchase of prior service credit in the Judicial Retirement Fund subject to certain conditions by a judge who has returned to membership in the retirement fund after previously withdrawing his or her membership contributions from the retirement fund.

COMMITTEE ON WAYS AND MEANS

By Representative Page:

H. 341. Providing for certain debit cards or credit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

COMMITTEE ON EDUCATION

By Representative McMillan:

H. 342. To amend Section 13A-14-2, Code of Alabama 1975, relating to executive or secret sessions of any public body, board, or commission in the state charged with the duty of disbursing public funds or to which is delegated any legislative or judicial function with certain exceptions; to provide additional exceptions for meetings with an attorney to obtain advice regarding present or anticipated litigation, or to discuss the purchase or sale price of real property; to require reasonable prior notice of meetings; to establish a procedure for giving notice to the public of meetings; to provide that actions during meetings held in violation of this section shall be void; and to further specify criminal penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan and Crigler:

H. 343. Relating to those activities that are deemed permissible uses within the coastal area and the rights of riparian owners; to specifically prohibit the erection of piers, wharves, or other structures on property bordering on the Gulf of Mexico seaward of the mean high tide line or on lands located on Pelican Bay; and for this purpose to amend Sections 9-7-13 and 33-7-50 of the Code of Alabama 1975.

COMMITTEE ON NAVIGATION AND WATERWAYS

By Representative Lindsey:

H. 344. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 345. To provide for a permanent Joint Legislative Oversight Committee on Community Services Grants.

COMMITTEE ON WAYS AND MEANS

By Representatives Clark (W), Crigler, and Buskey:

H. 346. To establish new standards for the mining of minerals and the reasonable reclamation of surface disturbances created by the mining activities; to provide for reasonable reclamation of lands upon which disturbances are created by surface mines which extract clay, sand, gravel, ores, and other minerals; to

provide hearings and appeals procedures within the Department of Industrial Relations; to require permits for surface mining of minerals, accompanied by a basic fee plus an additional acreage fee for each acre or fraction thereof to be mined under the permit; to provide for the approval or denial of permit applications by the department; to require applicants to file a bond for reclamation payable to the department and conditioned upon faithful performance of this act; to establish environmental protection standards, including, but not limited to the grading of land areas remaining after mining to a rolling contour and the elimination of highwalls; to provide for inspections of surface mining operations by the department; to impose fines and penalties on operators who violate this act; to exempt certain areas from non-fuel mineral surface mining operations; to provide that the payment of permit fees, fines, civil penalties, appropriations by the Legislature, and grants or appropriations from other sources be placed in the Alabama Non-Fuel Minerals Surface Mining Fund, to be available to the department for administration and enforcement of this act; to make an initial appropriation to the Alabama Non-Fuel Minerals Surface Mining Fund; and to repeal Sections 9-16-1 to 9-16-15, inclusive, of the Code of Alabama 1975, relating to the surface mining of non-fuel mineral.

COMMITTEE ON WAYS AND MEANS

By Representative Robinson:

H. 347. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

COMMITTEE ON BANKING

By Representative Wren:

H. 348. Relating to credits against state income tax liability; to provide a credit to parents of children who attend private schools in the state and who are in one of the grades K-12; and to provide a credit to parents of children who are schooled at home.

COMMITTEE ON WAYS AND MEANS

By Representative Burke:

H. 349. To create the Environmental Legislative Oversight Committee to advise on environmental policy issues and to review operations of the State Environmental Management Commission and the Alabama Department of Environmental Management.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Page and Hill:

H. 350. To amend Section 36-7-22, Code of Alabama 1975, relating to reimbursement for certain travel on official state business, to provide further for such reimbursement.

COMMITTEE ON WAYS AND MEANS

By Representatives Dean, Hooper, Sanderford, McKee, Gaston, Townsend, Seibenhener, Sims, Haney, Morton, Penry, Crigler, Wren, Moore, Sanderson, Petelos, Gaines, Allen, McMillan, Curry, Vance, Maull, Flowers, Laird, Hamilton, Turner, Dolbare, Burke, Jorgensen, Galliher, and Thomas (D):

H. 351. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

COMMITTEE ON JUDICIARY

By Representative Knight (A):

H. 352. To add Section 22-27-8, to Title 22, Chapter 27, Code of Alabama 1975, relating to solid waste disposal; to provide evidence of financial assurance relating to closure, post-closure care, and any necessary corrective action of a solid waste disposal facility.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Knight (A):

H. 353. Relating to solid waste and garbage collection in counties and municipalities, to allow local regulation of these services by resolution or ordinance, and to allow the displacement of such services by private industry companies.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Knight (A):

H. 354. To exempt from excise taxes motor fuel used for the operation of a motor vehicle equipped with power take-off equipment used for concrete mixing or a tractor trailer tank vehicle equipped with power take-off equipment used for bulk cargo pumping, loading, and unloading on which excise taxes have been imposed and paid; to provide for on a quarterly basis a refund of the excise taxes imposed and paid on motor fuel used in vehicles used for concrete mixing and tractor tank

vehicles equipped with power take-off equipment used for bulk cargo pumping, loading, and unloading; to establish a three-year statute of limitations for the application of refunds; and to provide for penalties.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (A):

H. 355. To prohibit a public utility corporation organized under Chapter 50, Article 9 of Title 11, Code of Alabama 1975, from making charitable contributions and expending funds for any purpose other than the operational expenses of the corporation.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Knight (A):

H. 356. To increase the fines levied for speeding in excess of the posted limit in a highway work zone.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Knight (A), Curry, Gaines, Hill, Carns, and Drake:

H. 357. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D), Carns, Gipson, Jackson, Petelos, Curry, Papucci, Hawkins, Rogers (J), Galliher, Turner, Pringle, Allen, Bandy, Crigler, Hooper, Hall (L), Baker, Jorgensen, Fuller, Wren, Thomas (D), McKee, Gaston, Laird, Flowers, Clouse, Moore, Johnson (R), Layson, Collins, Dean, Dukes, Sanderson, Drake, Knight (A), Gaines, Morton, and Rogers (M):

H. 358. Adopting the Alabama Uniform Interstate Family Support Act; defining certain terms and designating the state tribunal; specifying jurisdiction, including extended personal jurisdiction, proceeding involving two or more states, and reconciliation of multiple orders; providing civil provisions of general application, including proceedings under this law, action by a minor parent, application of law of the state, duties of initiating tribunal, duties and powers of responding tribunal, inappropriate court, duties of support enforcement agency, duties of the Attorney General, use of private counsel, duties of the Department of Human Resources as the state information agency, pleadings and accompanying documents, nondisclosure of information in exceptional circumstances, costs and

fees, limited immunity of petitioner, nonparentage as a defense, special rules of evidence and procedure, communications between tribunals, assistance with discovery, and receipt and disbursement of payments; providing for the establishment of a support order and for the petition; providing for the enforcement of an order of another state without registration, including an employer's receipt and compliance with an income-withholding order, immunity from civil liability, penalties for noncompliance, contest by obligor, and administrative enforcement; providing for the enforcement and modification of a support order after registration, including registration and enforcement of a support order, contest of validity or enforcement, and registration and modification of a child support order; providing for proceedings to determine parentage; providing grounds and conditions for rendition; and providing for uniformity of application, a saving clause, construction, a short title, severability, a delayed effective date, and to repeal on a specified date Sections 30-3-90 to 30-3-99, inclusive, and Sections 30-4-80 to 30-4-98, inclusive; and to amend Sections 6-9-232 and 26-17-10 of the Code of Alabama 1975, to conform references to this law.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderford, Haney, Townsend, Jorgensen, Curry, Hinshaw, Page, Guin, Murphree, Hall (A), Robinson, Morrow, Dukes, Morton, Gipson, Hooper, Hill, Galliher, Knight (A), Black (M), Rogers (M), Thomas (D), Gaines, Hawk, Minnifield, Crigler, Graham, McDaniel, Lindsey, McKee, Maull, Layson, Turner, Clark (J), Hayden, Drake, Collins, Black (L), Dean, Letson, Papucci, Jackson, Gaston, Kennedy, Clouse, Pringle, Mitchell, Clark (W), Holmes, Willis, Petelos, Turnham, Moore, Baker, Starkey, Melton, Spratt, Hogan, Smith, Morrison, Vance, Penry, Flowers, Wren, Carns, Venable, Newton (C), and Sanderson:

H. 359. To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Marine Corps League.

COMMITTEE ON MILITARY AFFAIRS

By Representatives Dukes, Hill, and Hawk:

H. 360. To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

COMMITTEE ON BANKING

By Representative Perdue:

H. 361. Providing for claims for unjust conviction and imprisonment.

COMMITTEE ON WAYS AND MEANS

By Representative Hayden:

H. 362. To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local public and quasi-public hospital corporations participating or formerly participating in the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 363. To amend Section 36-29A-7, Code of Alabama 1975, to exempt the Department of Transportation from the State Employee Injury Compensation Program; and to provide for insuring department employees for on-the-job death or injury through the department's self-insurance program.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 364. Requiring that certain federal funds administered by a state department or agency be contracted to community action agencies on an annual basis.

COMMITTEE ON STATE ADMINISTRATION

By Representative Knight (J):

H. 365. To make a supplemental appropriation from the State General Fund in the State Treasury to the Community Action Agencies, in the amount of \$880,000 for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 366. To amend Section 36-16-11 of the Code of Alabama 1975, to exempt property of the Department of Mental Health and Mental Retardation from inventory control by the State Auditor.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Page, Morrow, and Fuller:

H. 367. To amend Section 17-6-13 of the Code of Alabama 1975, to provide mileage for the returning officer.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Page, Morrow, Galliher, and Fuller:

H. 368. To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Pringle:

H. 369. To amend Section 17-16-6 of the Code of Alabama 1975, to provide further for the date of a run-off primary election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Johnson (R) and Carothers:

H. 370. To amend Section 32-5-76 of the Code of Alabama 1975, to provide for covering or securing of loads carried by motor vehicles under certain conditions subject to penalties as provided for other violations of motor vehicles laws.

COMMITTEE ON HIGHWAY SAFETY

By Representatives Carothers and Johnson (R):

H. 371. To propose an amendment to the Constitution of Alabama of 1901, as amended, to provide that no general, special, or local law, or state executive order, rule, or regulation, whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, or until and as long as the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the municipality, county, or instrumentality is authorized to levy and collect the revenue; and to provide for exceptions.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Hill, Page, Morrow, Drake, Petelos, Johnson (R), Burke, Robinson, Clouse, Smith, Letson, Carothers, and Curry:

H. 372. To amend Section 25-4-72, Code of Alabama 1975, relating to unemployment compensation weekly benefits, to further provide for the amount of unemployment compensation benefits.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Hill, Morrow, Knight (A), Thomas (D), and Gaines:

H. 373. To amend Section 5-12A-15, Code of Alabama 1975, to provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. § 584; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. § 584; and to provide for a retroactive effect.

COMMITTEE ON BANKING

By Representative Hill:

H. 374. Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 5 (commencing with Section 7-5-101) and replace it with a new Article 5 regarding letters of credit; and to provide for the following regarding letters of credit: A short title; definitions of terms; scope of Article 5; formal requirements for letter of credit documents; to state that consideration is not required for letter of credit documents; the issuance, amendment, cancellation, and duration of letters of credit; the obligations of a confirmer, nominated person, and adviser; issuer's rights and obligations; fraud and forgery as it relates to the beneficiary, issuer, or applicant; warranties; remedies for the beneficiary, successor, or nominated person for breaches of obligations of a letter of credit; transfer of a letter of credit; transfer by operation of law; assignment of proceeds of a letter of credit; statute of limitations to enforce a right or obligation under Article 5; choice of law and forum; subrogation of issuer, applicant, and nominated person; prospective applicability of the article; a savings clause for transactions of letters of credit occurring prior to the effective date of this act; and to amend the following sections of Title 7: Section 7-1-105 to provide for territorial application of Title 5 and the power of parties to choose applicable law; Section 7-2-512 to conform a reference to the new Article 5; Section 7-9-103 relating to perfection of security interests in multiple state transactions; Section 7-9-104 to exclude the application of Article 9 to a transfer of a letter of credit other than rights to proceeds; Section 7-9-105 to add references to definitions of "letter of credit" and "proceeds of a letter of credit" to Article 9; Section 7-9-106 to further define "account" and "general intangibles" to include rights to proceeds of letters of credit; Sections 7-9-304 and 7-9-305 to specify perfection of a security interest in proceeds of a letter of credit by filing and by taking possession; and to provide a prospective effective date of January 1, 1998.

COMMITTEE ON BANKING

By Representative Hill:

H. 375. To provide for the Uniform Multiple-Person Accounts Act; to define terms; to specify accounts applicable; to specify forms; to provide for the designation of an agent; to specify application; to provide for ownership between parties

and others; to specify rights at death and the alteration of rights; to provide that accounts and transfers are nontestamentary; to express rights of creditors and others; to specify authority of financial institutions, the payment on multiple-party accounts, the payment on a POD designation, the payment to a designated agent and a minor, and for discharge and setoff; and to provide for a short title, construction, application of principles of law, transitional provisions and a delayed effective date.

COMMITTEE ON BANKING

By Representatives Carothers and Johnson (R):

H. 376. To amend Section 12-15-71 of the Code of Alabama 1975, as amended by Act No. 96-570, S. 119, 1996 Regular Session (Acts 1996, p. 864), and Act No. 96-769, H. 149, 1996 Regular Session (Acts 1996, p. 1355), relating to the disposition of delinquent children and juveniles; to require the Department of Youth Services to accept a child or juvenile for commitment within 10 days after an order of commitment; and to require the Department of Youth Services to reimburse each county for the care of all children and juveniles who are not accepted by the department within 10 days after an order of commitment has been entered.

COMMITTEE ON WAYS AND MEANS

By Representatives Maull, Pringle, Gaines, Petelos, and Moore:

H. 377. To provide that appeals from death sentence cases and from post conviction writs involving death sentence cases shall be made directly to the Alabama Supreme Court; to amend Sections 12-3-9 and 13A-5-53, Code of Alabama 1975; and to provide that the Alabama Supreme Court shall amend the Alabama Rules of Appellate Procedure to accommodate and reflect the provisions of this act.

COMMITTEE ON JUDICIARY

By Representatives Carns, Johnson (R), Sims, Gipson, Millican, Hooper, Laird, Dolbare, McKee, Seibenhener, Moore, Turner, Payne, Hawkins, Curry, Haney, Allen, Murphree, McDaniel, Sanderford, Morton, Gaines, Petelos, Townsend, Jorgensen, Hamilton, Maull, Smith, Gaston, Sanderson, Dean, Crigler, Clouse, Knight (A), Pringle, Guin, Wren, Fuller, Thomas (D), Flowers, Layson, Drake, and Papucci:

H. 378. Establishing the Consent for Abortion Act; prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; amending Section 26-21-3, Code of Alabama 1975, to require the signature of a parent, legal guardian, or adoptive parent of a minor to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to

require certain documents proving that a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person from coercing a minor to have an abortion performed; to provide that the State Department of Public Health develop appropriate forms for the consent and emancipation; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; requiring that only a physician may perform abortions; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

COMMITTEE ON PUBLIC WELFARE

By Representatives Johnson (E), Newton (D), Houston, Rogers (J), McAdory, Perdue, Spratt, Turner, Vance, Carothers, Mitchell, and Bandy:

H. 379. Relating to education; to require the State Board of Education to adopt a statewide uniform dress code policy for students in the public primary, elementary, junior high, and senior high schools throughout the state.

COMMITTEE ON EDUCATION

By Representatives Johnson (E), Newton (D), Houston, McAdory, Rogers (J), Perdue, Minnifield, Spratt, Turner, Baker, Vance, Carothers, Mitchell, and Bandy:

H. 380. To provide for a statewide curfew for certain juveniles; to provide for the enforcement of the curfew; to provide penalties for violations, and to provide for the parental and business operator responsibility pursuant to this act.

COMMITTEE ON JUDICIARY

By Representatives Rogers (J), Houston, McAdory, Newton (D), Perdue, Spratt, and Hall (L):

H. 381. To provide for the automatic restoration of voting rights for certain persons who fulfill the sentence or conditions required by the court or the State Board of Pardons and Paroles; and to repeal Section 17-3-10 of the Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Rogers (J), Fuller, Starkey, Galliher, Hall (A), Hill, Hilliard, Murphree, Maull, Drake, Graham, Holmes, Hinshaw, Millican, McAdory, Houston, Spratt, Clark (W), McClammy, Hall (L), McDaniel, Kennedy, Parker (P), Carter, Minnifield, Letson, Morrison, Thomas (J), Gaines, Hogan, Dukes, McKee, Burke, Hamilton, Baker, Willis, Knight (A), Gipson, Robinson, Petelos, Hawkins, Turner, Pringle, Allen, Bandy, Newton (D), and Perdue:

H. 382. To amend Sections 32-6-300 and 32-6-301 of the Code of Alabama 1975, relating to the Helping Schools Tags; to increase the fees for the Helping Schools tags; to provide that, in honor of the life and public service of the late Senator Michael Figures, the additional proceeds would be earmarked to fund disease prevention programs for children in the public schools, indigent health care for children, and infant mortality reduction through the Penny Trust Fund.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), McAdory, Houston, Newton (D), Perdue, Spratt, and Hall (L):

H. 383. To require a business entity operating an electronic monitoring company to open a branch office and employ a qualifying agent.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Rogers (J), Houston, McAdory, Newton (D), Perdue, Spratt, Hall (L), and Morrison:

H. 384. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

COMMITTEE ON EDUCATION

By Representative Gaston:

H. 385. To amend Section 22-21-29, Code of Alabama 1975, relating to the inspection of health care facilities, to prohibit advance disclosure of the dates of inspection of health care facilities.

COMMITTEE ON HEALTH

By Representative Gaston:

H. 386. To amend Section 32-6-292 of the Code of Alabama 1975, relating to distinctive motor vehicle license plates or tags bearing the words "United States Armed Forces Retired"; to provide that the spouse of a deceased retired military

person who has been issued a distinctive license plate bearing the words "United States Armed Forces" may retain the distinctive tag.

COMMITTEE ON WAYS AND MEANS

By Representative Gaston:

H. 387. To exempt the Alzheimer's Disease and Related Disorders Association, Inc., and any of its branches, chapters, or agencies, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Gaston:

H. 388. To amend Section 40-3-20, Code of Alabama 1975, to extend the period for filing objections to notice of valuation of property.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Buskey, Hayden, and Black (L):

H. 389. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment; and to provide for recovery of amounts owed for violations.

COMMITTEE ON JUDICIARY

By Representative Gaston:

H. 390. To provide a tax credit for taxpayers who donate high technology equipment to public schools.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 391. To provide for the employment, powers, duties, qualifications, and compensation for investigators of the Alabama Medicaid Agency; to grant peace officer status to the investigators upon meeting certain standards; and to exclude certain law enforcement overtime provisions from application to the investigators.

COMMITTEE ON WAYS AND MEANS

By Representatives Allen, Dukes, Papucci, Dean, Starkey, McMillan, Seibenhener, Petelos, Morrison, Carns, Gaston, Hooper, McDaniel, Gipson, Penry, Sanderford, Vance, Wren, Moore, Guin, Drake, Sanderson, and Thomas (D):

H. 392. To amend Sections 11-40-30 to 11-40-36, inclusive, Code of Alabama 1975, which authorizes Class 1 municipalities to move or demolish buildings and structures or parts thereof that are found by the municipal governing body to be unsafe and that are a public nuisance, to authorize all municipalities to use the same procedures.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Allen, Hooper, Hinshaw, Townsend, Papucci, Crigler, Dean, Pringle, McDaniel, Flowers, Turnham, Gaston, Gipson, Vance, Sanderford, Wren, Moore, Clouse, Carothers, Guin, Drake, Thomas (D), and Sanderson:

H. 393. Relating to athlete agents; to amend Sections 8-26-2, 8-26-3, 8-26-7, 8-26-22, and 8-26-27, Code of Alabama 1975; to provide for the definition of student-athlete; to provide for appointments to the commission; to provide reporting requirements of the Secretary of State to the commission; to further provide the requirements of granting or renewing registrations; to require notice to a college or university of a signing of a contract; to create contract requirements; to allow civil actions by colleges or universities for certain actions of the athlete agent and student-athlete; to further provide for business and financial records of athlete agents, penalties for violations, regulating activities of athlete agents with students participating in sports in grades 10 and above; and repealing Sections 8-26-32 and 8-26-33, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Allen, Townsend, Hinshaw, Morton, Robinson, Laird, Gipson, Maull, Vance, Willis, Petelos, Gaston, McKee, Crigler, Hooper, Clouse, Papucci, Dean, Seibenhener, McDaniel, Flowers, Turnham, Penry, Sanderford, Wren, Moore, Guin, Drake, Sanderson, and Thomas (D):

H. 394. To provide for the purchase and issuance of a temporary tag and issuance of a temporary registration for motor vehicles constructed within this state if the motor vehicle is to be permanently licensed in another jurisdiction; to provide for distribution of the net proceeds from the sale of the tags or plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Allen, Carns, McMillan, Hamilton, Layson, Gaines, Murphree, McDaniel, Haney, Townsend, Seibenhener, Laird, Gipson, Maull, Vance, Willis, Petelos, Gaston, McKee, Crigler, Hooper, Clouse, Turnham, Papucci, Dean, Pringle, Flowers, Sanderford, Wren, Moore, Thomas (D), and Sanderson:

H. 395. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; and to provide criminal penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Allen, Papucci, Crigler, Dean, Seibenhener, Pringle, McDaniel, Gipson, Penry, Vance, Sanderford, Wren, Johnson (R), Moore, Carothers, Page, Hooper, Drake, Thomas (D), and Sanderson:

H. 396. To require the State Board of Education to make the public high school graduation examination available to nonpublic high school students for a reasonable fee.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hooper, Hammett, Clark (J), Curry, Clouse, Haney, Carter, Carns, Allen, Turnham, Laird, Flowers, Collins, Morrison, Sanderford, Hawkins, Morton, Crigler, Fuller, Gaston, Pringle, Vance, Knight (A), Baker, Layson, Sanderson, McKee, Hamilton, Drake, Starkey, Johnson (R), Burke, Wren, Sims, Letson, Dean, Moore, Carothers, Guin, Millican, Seibenhener, Perdue, Robinson, Payne, Mitchell, Bandy, McClammy, Dukes, Thomas (D), Hall (A), Hill, Gaines, Petelos, Houston, and Buskey:

H. 397. To amend Section 40-18-15, Code of Alabama 1975, relating to income taxes so as to allow individuals a deduction for certain tuition and required fees paid to institutions of higher learning.

COMMITTEE ON WAYS AND MEANS

By Representatives Hawk and McDaniel:

H. 398. Relating to Marshall County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Marshall County, except for the chief deputy, to the authority of the Personnel Board of Marshall County.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representatives Hall (L), Perdue, Hilliard, Graham, Vance, Kennedy, Knight (J), Parker (P), Page, Smith, Jorgensen, Murphree, Guin, Rogers (J), Hinshaw, Newton (D), Minnifield, Petelos, Gaines, Galliher, and Hawk:

H. 399. Providing for state agencies and state departments to target 10 percent of all jobs requiring a high school diploma or less to be filled with welfare or food stamp recipients.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hall (A):

H. 400. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the Madison County Board of Education for the fiscal year ending September 30, 1997 in the amount of one hundred fifty thousand dollars (\$150,000).

COMMITTEE ON WAYS AND MEANS

By Representatives Kennedy and Fuller:

H. 401. To make an appropriation of \$1,182,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 402. To provide for ADECA to receive the balance of the unexpended amounts from each of the \$300,000 appropriated in fiscal years 1994-95 and 1995-96 for retirement at Community Action Agencies; and to provide for the remittance of the amounts by ADECA to the Community Action Agencies.

COMMITTEE ON WAYS AND MEANS

By Representative McAdory:

H. 403. To amend Section 11-43D-14, Code of Alabama 1975, to remove the management of the mayor of certain Class 5 municipalities of public utilities; to provide that a public utility board be formed under Article 9, Chapter 11 of the Code of Alabama 1975 dealing with consolidation of utility boards; to provide for the board of directors of consolidated utility boards; and the dissolution of any utility boards formed under Chapter 97, Title 11 of the Code of Alabama 1975.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Knight (J):

H. 404. To designate U. S. Highway 80 from Selma to Montgomery and Alabama Highway 14 from Selma to Marion the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

COMMITTEE ON STATE ADMINISTRATION

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 35. To provide for the enactment by the State of Alabama of the Apalachicola-Chattahoochee-Flint River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

H. 36. To provide for the enactment by the State of Alabama of the Alabama-Coosa-Tallapoosa River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

H. 9. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$500,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

H. 186. To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for the fiscal year ending September 30, 1997, and requires an operations plan prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 44. (With Amendment): Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 53. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1996 First Special Session and the 1996 Regular Session of the Legislature as contained in the 1996 Cumulative Supplement to certain volumes of the Code and in the 1996 Replacement Volume 4 of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volume; to expressly provide that this act does not affect any 1996 Second Special Session statute or any 1997 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

H. 54. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

H. 69. Relating to the allocation of volumes of the acts and resolutions of each legislative session; to amend Section 36-14-11 of the Code of Alabama 1975; to adjust the allocation; and to permit a recipient upon written request to reduce or refuse a specified allocation.

H. 68. To require all state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 160. (With Amendments): To make certain legislative findings concerning the economic benefit of pari-mutuel racetracks and the need to enable such business to compete more fairly with lotteries and other out-of-state wagering; to exempt from the prohibitions of criminal and civil statutes the use of certain electronic equipment for wagering; to declare that such equipment is exempt from the provisions of certain federal law applicable thereto; to authorize each racing commission in the state to license each racetrack under its jurisdiction to conduct skill dependent games for profit with equipment permitted by this act; to prescribe the terms and conditions of such license; to confer upon each racing commission, in addition to the powers that it has to license and regulate pari-mutuel racing, the same or similar powers to license and regulate the conduct of skill dependent games for profit through the use of electronic equipment and to provide various supplemental powers for each racing commission; to provide that certain acts in connection with the use of wagering equipment hereby permitted shall constitute crimes; to levy certain state and local license taxes for the use of wagering equipment hereby permitted; and to amend Section 13A-12-31 of the Code of Alabama 1975, to provide for local laws to regulate wagering at racetracks; and to provide that the provisions of the act shall be severable.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 291. Amending Sections 28-3-1, 28-3-168, 28-6-1, and 28-7-2 of the Code of Alabama 1975, so as to alter the percentage of alcohol by volume in the definitions of table wine, fortified wine or vinous liquor, and native farm wine.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 298. (With Amendment): To amend Sections 34-40-3, 34-40-8, and 34-40-14, Code of Alabama 1975, relating to the Alabama Board of Athletic Trainers; providing for the membership on the board; providing for the duties and responsibilities of the board; providing for the employment of certain individuals; providing for reimbursement of expenses; requirements for the renewal of license; and to authorize grants to develop and promote athletic training programs and continuing education programs for athletic trainers.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

H. 219. To provide for the coverage of screening mammography under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

H. 304. To amend Section 22-21-265 of the Code of Alabama 1975, relating to the control and regulation of development of certain health care facilities or services, to provide that an existing provider of home health services meeting specified criteria may accept referrals from counties contiguous to those constituting the existing service area as of the effective date of this act without obtaining a new certificate of need.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 266. (With Amendment): To provide that the Alabama Medicaid Agency seek a waiver for any person who purchases a long-term health care policy to cover at least the first five years of nursing home care; and to provide that the Alabama Medicaid Agency not consider those resources of a person equal to the amount of long-term care insurance benefit payments in determining Medicaid eligibility.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 217. To provide for the coverage of reconstructive breast surgery incident to a mastectomy by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

H. 218. Relating to health insurance and health benefit plans; to prohibit a health insurer or health benefit plan from requiring as a condition of insurability that a person take a genetic test which may show whether the person has a predisposition for cancer; and to prohibit a health benefit plan from using the results of any genetic test which may show the predisposition of a person for cancer to determine insurability or to otherwise discriminate against the person in rates or benefits based on the genetic test results.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 88. To amend Sections 40-12-240, 40-12-246, and 40-12-258, Code of Alabama 1975, relating to jitney buses, and to repeal Section 40-12-245, Code of Alabama 1975, to abolish the separate category of jitney buses for licensing and registration purposes.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 312. Relating to elections; amending Sections 17-22A-2, 17-22A-7, 17-22A-22, 36-25-1, 36-25-6, 36-25-14, and 36-25-15, Code of Alabama 1975, to further regulate the financing of political campaigns and to provide further for penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 162. (With Amendment): Relating to elections; to provide for the testing of electronic voting systems for an election.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 222. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 158. (With Amendment): To amend Section 17-4-120 of the Code of Alabama 1975, to provide fruther for the voter registration deadline.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 82. To amend Sections 34-27A-9 and 34-27A-11, Code of Alabama 1975, to provide for the licensing of land appraisers and to exempt the requirements for licensing of registered foresters as land appraisers for a specified period.

H. 154. To amend Sections 2-5-1, 2-5-2, 2-5-14, and 2-5-16, Code of Alabama 1975, to provide further for the procedural authority of the Farmers' Market Authority relative to the lease, disposal, and sale of real property of the department; provide further for the members of the authority; to authorize the issuing, selling, and refunding of revenue bonds; to provide certain tax exemptions, to establish a debt service reserve fund; and provide further for the duties and funds of the authority.

RESOLUTIONS

The following resolutions were introduced:

By Representative Dean:

H.J.R. 46. COMMENDING WILLARD ROGERS FOR HIS OUTSTANDING COMMUNITY ACHIEVEMENTS.

The resolution, H.J.R. 46, was read and referred to the Standing Committee on Rules.

Also:

By Representative Carns:

H.J.R. 47. EXPRESSING THE INTENT OF THE LEGISLATURE THAT A PUBLIC CORPORATION ORIGINALLY FORMED FOR THE PURPOSE OF EITHER FIGHTING FIRES OR PROVIDING EMERGENCY SERVICES IN SHELBY COUNTY ALSO IS AUTHORIZED TO PROVIDE BOTH SERVICES.

The resolution, H.J.R. 47, was read and referred to the Standing Committee on Rules.

Also:

By Representative Melton:

H.J.R. 48. DESIGNATING SHELTON STATE COMMUNITY COLLEGE AS THE STATE JUNIOR COLLEGE OF THE FINE ARTS.

The resolution, H.J.R. 48, was read and referred to the Standing Committee on Rules.

Also:

By Representatives McKee and Wren:

H.J.R. 49. COMMENDING WAYNE GRIER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

The resolution, H.J.R. 49, was read and referred to the Standing Committee on Rules.

Also:

By Representative Clark (W):

H.J.R. 50. COMMENDING WILLIE ANDERSON ON HIS PROFESSIONAL ACCOMPLISHMENTS.

The resolution, H.J.R. 50, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Sims:

H.R. 51. COMMENDING NORMA MARTIN AS RECIPIENT OF THE 1997 WHO'S WHO IN LONG TERM CARE IN ALABAMA.

Also:

By Representative Sims:

H.R. 52. COMMENDING ANNIE MAE SMELLEY AS RECIPIENT OF THE 1997 WHO'S WHO IN LONG TERM CARE IN ALABAMA.

Also:

By Representative Sims:

H.R. 53. COMMENDING MARY PYLES OF ANNISTON, ALABAMA, FOR SELFLESS SERVICE TO OTHERS.

Also:

By Representative Sims:

H.R. 54. COMMENDING THE OXFORD CHURCH OF CHRIST AS 1996 VOLUNTEER GROUP OF THE YEAR.

Also:

By Representative Johnson (E):

H.R. 55. HONORING ISAAC MCKINLEY DANIEL ON THE OCCASION OF HIS 100TH BIRTHDAY.

Also:

By Representative Robinson:

H.R. 56. COMMENDING COACH JAMEY BROOKS FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

By Representative Clark (W):

H.R. 57. COMMENDING WILLIE ANDERSON ON HIS PROFESSIONAL ACCOMPLISHMENTS.

Also:

By Representative Hall (A):

H.R. 58. MOURNING THE DEATH OF ALVIE L. RENFROE OF
MAYSVILLE, ALABAMA.

Also:

By Representative Hall (A):

H.R. 59. MOURNING THE DEATH OF JAMES H. OWENS OF GURLEY,
ALABAMA.

H. 209 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 209, from the Standing Committee on State Administration to the Standing Committee on Small Business.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ghee:

S.J.R. 6. DESIGNATING 1998 AS THE YEAR OF THE AMERICAN INDIAN
IN ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 6, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 7. COMMENDING DEIDRA HAM OF FAYETTE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 7, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Langford, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 3. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the tragic and untimely death of our friend and colleague, Michael A. Figures, of Mobile, Alabama, on September 13, 1996, at the early age of 48 years; and

WHEREAS, Michael A. Figures was indeed a leader among men in all aspects of his life and service; a distinguished Alabamian whose leadership and accomplishments were widely acknowledged and beneficial to all Alabama citizens; and

WHEREAS, born on October 13, 1947, to the Reverend Coleman Figures and the late Mrs. Augusta Figures, in Mobile, Alabama, Mr. Figures was a faithful member of Green Grove Missionary Baptist Church where his father is pastor; and

WHEREAS, he attended the University of Nebraska in 1966-1967, received his Bachelor of Arts Degree in History from Stillman College in 1969, and earned his Juris Doctorate Degree from the University of Alabama School of Law in 1972; and

WHEREAS, he was a member and partner in the law firm of Figures, Jackson, and Harris, and a prominent and highly regarded member of the Alabama Senate, who had ably represented District 33 in Mobile County since 1978, and had served as Senate President Pro Tempore since 1995; and

WHEREAS, he was further a forceful and energetic leader in the Democratic Party, serving in such capacities as past treasurer of the Democratic Party in 1989; vice chairman of the Alabama Delegation of the Democratic National Convention in 1980; and as a delegate to the 1984, 1988, and 1992 Democratic Conventions; and

WHEREAS, Michael Figures also was an active member of the Alabama Bar Association and the Alabama Lawyers Association, and played a central role in and served as president of the New South Coalition, a political caucus he helped to found in the 1980s that brought blacks and whites together as a powerful coalition; and

WHEREAS, most especially, Michael Figures was a true leader in the legislative arena; his command of the legislative process and, most particularly, his grasp of legislative rules and parliamentary procedure were masterful; and his skills and abilities as a communicator and arbitrator, and at compromise and persuasion were without equal; and

WHEREAS, we will long remember his warmth, humor, intellect and strength of character, as well as the professionalism and pride he brought to this body---indeed, he will be sorely missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Michael A. Figures, our comrade and friend, and, by copy of this resolution, extend our very deepest sympathy to his devoted wife and our freshman colleague, Vivian Davis Figures; his beloved sons, Jelani Anthony, Shomari Coleman, Akil Michael, and Derrick Demond; and to other close family members and friends.

BE IT FURTHER RESOLVED, That in appreciation of his services to the State and his fellowman, that a separate page of the Journal of the Senate be dedicated to his memory, and set apart for the preservation of this resolution.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 3, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 4. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED RULE NO. 410-2-4-.12, ENTITLED "AMBULATORY SURGERY."

WHEREAS, the State Health Planning and Development Agency filed a "Notice of Intended Action" of proposed Rule No. 410-2-4-.12, entitled "Ambulatory Surgery," which notice was published in the Alabama Administrative Monthly, dated August 30, 1996; and

WHEREAS, the State Health Planning and Development Agency certified to the Legislative Reference Service the adoption of Rule No. 410-2-4-.12, on January 8, 1997, which was the subject of a review at a meeting of the Joint Committee on Administrative Regulation Review on January 23, 1997; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(c), Code of Alabama 1975, disapproved proposed Rule No. 410-2-4-.12, entitled "Ambulatory Surgery"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the decision of the Joint Committee to disapprove proposed Rule No. 410-2-4-.12, entitled "Ambulatory Surgery," is sustained.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 4, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Biddle:

S.J.R. 5. COMMENDING CHRISTOPHER DEREK SCOTT ON OBTAINING THE RANK OF EAGLE SCOUT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 5, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Carns:

H.R. 60. COMMENDING THE MOUNTAIN BROOK SPARTANS AND HEAD FOOTBALL COACH JOEY JONES AND STAFF ON THEIR OUTSTANDING 1996 FOOTBALL SEASON.

Also:

The following resolution was introduced:

By Representative Carns:

H.J.R. 61. COMMENDING THE MOUNTAIN BROOK SPARTANS AND HEAD FOOTBALL COACH JOEY JONES AND STAFF ON THEIR OUTSTANDING 1996 FOOTBALL SEASON.

The resolution, H.J.R. 61, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:26 A.M. on February 6, 1997.

H.J.R. 2

H.J.R. 3

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Carter, the House adjourned until 2:00 o'clock p.m., Wednesday, February 12, 1997.

THIRD DAY

**House of Representatives
Montgomery, Alabama
Wednesday, February 12, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Lonnie Byrd, First Baptist Church, Theodore, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Gary Lee Hendrickson and Christopher Kyle Hendrickson.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the second legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the second legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative White, leave of absence was granted for Representative Warren.

Also:

At the request of Representative Hill, leave of absence was granted for Representative Knight (A).

H. 209 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 209, from the Standing Committee on Small Business to the Standing Committee on Business & Labor.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 10:00 o'clock a.m. on Thursday, February 13, 1997, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 46. COMMENDING WILLARD ROGERS FOR HIS OUTSTANDING COMMUNITY ACHIEVEMENTS.

WHEREAS, Willard Rogers is a prominent businessman in the Mobile area who is to be most highly commended for his longtime involvement in civic and community affairs; and

WHEREAS, Mr. Rogers began his business, Willard Rogers Painting Contractors, Inc., in 1974, and served his profession well as president of the second largest commercial painting contractor in Mobile; and

WHEREAS, he also is a member of numerous professional organizations including South Alabama Associated Builders and Contractors and Tillman's Corner Area Chamber of Commerce; and

WHEREAS, Mr. Rogers served as president of the Tillman's Corner Area Chamber of Commerce, and was a master motivator in the beautification of the median, engaging the chamber in the Christmas parade, and was instrumental in organizing business luncheons and Business After Hours; and

WHEREAS, contributing significantly toward the good and well-being of his fellow citizens in civic affairs, Mr. Rogers' trailblazing work toward lighting I-10 and Highway 90, has been of inestimable worth to the community; and

WHEREAS, he served as first president, and currently serves as Vice President of Wilmer Oaks Community Watch, and also is known for his significant and positive impact as a member of the Theodore Historical Society, Chairman of the Boys and Girls Club Steering Committee of Theodore/Tillman's Corner, and as a spokesman for the Drug Coalition; and

WHEREAS, Willard Rogers, who has earned respect and admiration with his generous spirit and great sensitivity to the needs of others, is indeed a living testimony of his faith and compassion, and his deeds of kindness will long be remembered; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Rogers, whom we hold in highest personal regard, is commended on his distinguished record of community service, and provided a copy of this resolution as a measure of highest regard and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 46, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 48. DESIGNATING SHELTON STATE COMMUNITY COLLEGE AS THE STATE JUNIOR COLLEGE OF THE FINE ARTS.

WHEREAS, Shelton State Community College is preparing to move to its new campus which will include Alabama's most complete facilities for instruction in the fine arts, two dance studios, a theatre rehearsal hall and technical shops, full music department facilities from recital hall to private studios, a fully equipped theatre, and visual art studios for a variety of mediums; and

WHEREAS, with its long history of quality and innovative programs in all areas of the fine arts, Shelton State Community College continues to provide program growth and leadership in these areas at a time when other schools are reducing their offerings; and

WHEREAS, the Music Department of Shelton State originated the statewide "Music Showcase" for two-year college musical ensembles; Shelton Singers have performed at Carnegie Hall in New York City; the college choir, Jazz Band and Brass Ensemble have regularly placed 1st, 2nd, or 3rd in statewide competitions; and the department produces a weekly concert series during the academic year; and

WHEREAS, the Theatre Department of Shelton State has created a model partnership with Theatre Tuscaloosa, combining forces with one of Alabama's most respected community theatres, and gaining national recognition in the process; and it produces four major productions, two touring shows, student matinees, a summer "theatre camp," and other smaller "Second Stage Productions" drawing audiences of over 25,000 people annually; and

WHEREAS, the college Dance Department offers a coordinated course of dance instruction from beginning to advanced including modern, folk, jazz, ballet, and dance history; moreover, it is the only school in Alabama that participates in examinations by the Royal Academy of Dance in London with international adjudicators; and

WHEREAS, one of the oldest departments at Shelton State, the Visual Art Department is actively involved in the Life-Long Learning Program for continuing education and annually sponsors a juried show for area high schools, recognizing individual talent as well as exceptional instruction; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate Shelton State Community College as the State Junior College of the Fine Arts, and further direct that a copy of this resolution be provided to President, Thomas E. Umphrey, for proper presentation and display on the campus.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 48, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 49. COMMENDING WAYNE GRIER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the accomplished and invaluable tenure of service of Wayne Grier to the State of Alabama; and

WHEREAS, through his expertise, participation, and guidance as Chairman and member of the Alabama Fire College and Personnel Standards Commission, the College and Commission have had tremendous positive impact on all levels of fire service in the State of Alabama, thereby rendering improved fire services to all citizens across the state; and

WHEREAS, Wayne Grier is a distinguished Alabamian who has brought great credit to himself through his career, and he is indeed well-deserving of this special recognition in honor of his innumerable accomplishments and contributions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend highest commendation and paramount praise to Chief Wayne Grier, and do further direct that a copy of this resolution be provided as evidence of our sincere appreciation and warmest personal regard.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 49, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 50. COMMENDING WILLIE ANDERSON ON HIS PROFESSIONAL ACCOMPLISHMENTS.

WHEREAS, a hero's welcome will be held for Willie Anderson, who plays guard with the Cincinnati Bengals professional football team, at the C. F. Vigor High School auditorium on February 14, 1997; and

WHEREAS, the son of proud parents, Thomas and Mary Steele, Mr. Anderson was born on July 11, 1975, in Whistler, Alabama, and was a 1993 graduate and All-American from Vigor High School; and

WHEREAS, a former Auburn football player, he was drafted in the first round by the Cincinnati Bengals in 1996, recognizing him as one of the best players in the country; and

WHEREAS, Mr. Anderson has brought great honor to his family, teachers, and coaches for his outstanding athletic contributions and was named to the Preseason All-American Team from Auburn, leading the team to a 20-1-1 record over two years, selected All-SEC, was considered in the top five offensive tackles in the nation in 1995, and also was named to the first team All-SEC; and

WHEREAS, a power to be reckoned with during his high school career, Mr. Anderson was rated as a top collegiate prospect in the state, and was voted the first offensive lineman in history to be named 6-A High School Player of the Year in Alabama; and

WHEREAS, the people of Alabama are proud to recognize athletes of the caliber of Willie Anderson, who possess the skill and determination to succeed in their efforts, and who display a keen sense of sportsmanship and competitive spirit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend and congratulate Mr. Anderson on his athletic accomplishments and, by copy of this resolution, extend sincere best wishes for continued success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 50, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 61. COMMENDING THE MOUNTAIN BROOK SPARTANS AND HEAD FOOTBALL COACH JOEY JONES AND STAFF ON THEIR OUTSTANDING 1996 FOOTBALL SEASON.

WHEREAS, heartiest congratulations are herein extended to Coach Joey Jones, his staff, and the Mountain Brook Spartans on their many outstanding accomplishments of the 1996 football season; and

WHEREAS, under the skillful leadership of Head Coach Joey Jones, ably assisted by Offensive Coordinator Joel Williams and Defensive Coordinator Gary McDonald; Assistant Coaches Jack Clayton, Kirk McClendon, Toby Green, Randy Stevens, John Dorough, and Brian Ellard; and Trainers, Carey Thomas, Jen Walters, Merrill Ward, and Andy Jordan, the talented Mountain Brook Spartans finished the season with a phenomenal record and rallied in an outstanding team effort and will-to-win spirit to capture the 6A Area 11 and North Area Championships and a berth in the championship game as runnerup in the Class 6A State Championship; and

WHEREAS, the Spartans have indeed brought great honor to themselves, their school, and community through their exemplary accomplishment, and are truly deserving of highest praise and esteem; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Joey Jones, his staff, and the amazing Mountain Brook Spartans, and direct that a copy of this resolution be provided for appropriate presentation and school display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 61, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 76. (With Amendments): To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 77. (With Amendment): To make a supplemental appropriation from the Office of the Attorney General's Miscellaneous Receipts in the amount of \$700,000 to the Office of the Attorney General for the fiscal year ending September 30, 1997.

H. 212. (With Amendment): To amend Section 40-17-31, Code of Alabama 1975; relating to gasoline taxes, to provide for incremental increases in the prescribed minimum and maximum total annual net collections to be derived from the excise tax levied upon the selling, use or consumption, distributing, storing, or withdrawing from storage in this state of gasoline for use as a fuel to propel aircraft, and to repeal the exemption currently granted to a hub operation within this state.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 288. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 277. (With Amendment): To provide for the establishment of the Alabama Higher Education Equipment Loan Authority; to permit the authority to issue bonds for the purpose of making equipment loans to public institutions of higher education to finance equipment costs; and to require each educational institution that receives an equipment loan to maintain a dedicated source of revenue to repay such equipment loans.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 236. Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 253. (With Substitute) (With Amendment): Proposing an amendment to the Constitution of Alabama of 1901; to require minimum local support for the public schools by establishing the ad valorem millage rates of 20 mills, or the equivalent in other local taxes, by the year 2002, and 30 mills, or the equivalent in other local taxes, by the year 2007, for each public school system.

The above bill was read a second time at length as required by the Constitution.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 20. (With Substitute): To make a \$3,000,000 supplemental appropriation from the Education Trust Fund for the fiscal year ending September 30, 1997, to the Cullman County Board of Education for capital outlay purposes for the replacement of or repairs to schools damaged by fire.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 146. To amend Section 32-5A-191.3, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices by a person with 0.08 percent or more by weight of alcohol in the blood.

H. 70. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act 96-341, S. 208, 1996 Regular Session (Acts 1996, p. 416), and by Act 96-705, S. 182, 1996 Regular Session (Acts 1996, p. 1176), relating to driving under the influence of alcohol and drugs; to provide that the sentence of a person who is convicted of driving a motor vehicle while under the influence of alcohol or a controlled substance shall be enhanced if the person has been arrested for driving a motor vehicle while under the influence of alcohol or a controlled substance within a five-year period and the arrest has resulted in a conviction.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 14. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

H. 24. To provide an exception for the production of beer and wine for personal or family use; to permit persons not prohibited from purchasing, consuming, possessing, or transporting alcoholic beverages under Section 28-1-5, Code of Alabama 1975, to produce beer and wine on their household premises for personal or family use, but not for sale, without payment of any taxes, or fees, or without a license; to allow production of the beer or wine for personal and family use in certain quantities under certain conditions; to provide limited circumstances in which the beer or wine may be removed from the household premises; and to provide penalties for violations.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 142. (With Amendment): To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 22. (With Substitute): To amend Sections 26-19-1, 26-19-2, 26-19-3, and 26-19-4 of the Code of Alabama 1975, relating to the Missing Children Bureau; to change the name of the Missing Children Bureau to the Missing and Exploited Children Bureau; and to provide that the bureau would act as a liaison for persons and cases involving exploited children in the same manner as missing children.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 26. To amend Section 13A-5-49 of the Code of Alabama 1975, relating to aggravating circumstances for the imposition of the death penalty; to provide that the intentional killing of two or more persons by one act or pursuant to one scheme or course of conduct is a capital offense; and to provide that a murder committed in a series of intentional killings committed by the defendant is a capital offense.

H. 251. To repeal Section 14-9-3, Code of Alabama 1975, which grants a deduction of 30 days from the sentence of a state prisoner who donates blood to the American Red Cross.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 267. (With Amendment): Providing for the suspension of the driver's license of an owner, operator, or person responsible for an uninsured motor vehicle involved in an accident with an insured motorist.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 389. To prohibit employers, employment agencies, labor unions, and associations from discriminating on the basis of age in hiring, job retention, compensation, and other terms and conditions of employment; and to provide for recovery of amounts owed for violations.

H. 270. To amend Section 13A-11-8 of the Code of Alabama 1975, as last amended by Act 96-767 of the 1996 Regular Session, so as to clearly specify that the actions constituting the crimes of harassment and harassing communications are mutually independent.

H. 315. To provide for special procedural due process rights for law enforcement officers prior to certain disciplinary actions against the officers.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 269. (With Amendment): To amend Section 12-15-32 of the Code of Alabama 1975, to further provide for the jurisdiction of the juvenile courts under certain conditions.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 306. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

H. 50. Relating to limited partnerships and foreign limited partnerships, to amend Sections 10-9A-2 and 10-9A-163 of the Code of Alabama 1975, so as to permit the abbreviation "L.P." in the name of these partnerships.

H. 55. To amend Section 13A-11-11, Code of Alabama 1975, relating to falsely reporting, initiating, or circulating a false report of an alleged occurrence of fire, explosion, catastrophe, or other emergency under certain circumstances, to increase the penalty for falsely reporting an incident of a bomb or explosion.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 59. (With Amendment): To amend Section 13A-10-1, Code of Alabama 1975, relating to definitions in offenses relating to obstruction of public administration, to include volunteer firefighters in the definition of "Firemen" and the fire control activities of volunteer fire departments in the definition of "Governmental Function."

H. 61. (With Amendment): Relating to boats and vessels; to prohibit the unauthorized alteration of identification numbers on or the registration information relating to boats, outboard motors, or identifiable component parts thereof; to provide criminal penalties for violations, including illegal possession thereof; and provide for forfeiture procedures under certain conditions.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 62. To amend Section 12-13-1 of the Code of Alabama 1975, relating to the jurisdiction of the probate court; to provide that the probate court shall not have the jurisdiction to change the name of a person convicted of a felony offense; and to require the person who files a petition to change his or her name to file a declaration that he or she has not been convicted of a felony offense.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 188. To amend Sections 41-16-27 and 41-16-57 of the Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which contracts for the purchase of personal property or contractual services may be awarded.

H. 187. To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 275. (With Substitute): To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 283. (With Amendment): Providing for a donation of sick leave by a state employee to another state employee diagnosed with a catastrophic illness under certain conditions.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 91. (With Substitute): To amend Section 32-5B-6 of the Code of Alabama 1975, relating to the issuance of citations for failure to wear a safety belt while a motor vehicle is in motion; and to repeal Section 32-5B-6 of the Code of Alabama 1975, effective January 1, 1997.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 200. To provide that the Alabama Medicaid Agency may consider factors other than the lowest bid and to provide for the procedures when awarding contracts related to Medicaid managed care service delivery systems; and to further provide for the evaluation of modifications by health maintenance organizations and applicants to be approved as health maintenance organizations when submitted by prospective managed care service providers to the Alabama Medicaid Agency.

H. 201. To amend Sections 22-6-7 and 41-16-27 of the Code of Alabama 1975, relating to the Alabama Medicaid Agency and the awarding of contracts, and to further provide for the award of management information system contracts and other contracts to administer Medicaid based on factors other than the lowest bid.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 347. To amend Sections 8-8-15, 12-17-224, 13A-9-13.1, and 13A-9-13.2, Code of Alabama 1975, relating to the service charge for worthless checks and worthless negotiable instruments.

H. 360. To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 373. (With Substitute): To amend Section 5-12A-15, Code of Alabama 1975, to provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. § 584; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. § 584; and to provide for a retroactive effect.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 221. To amend Section 29-1-4 of the Code of Alabama 1975, to provide further for the time of commencing certain regular sessions of the Legislature.

H. 369. To amend Section 17-16-6 of the Code of Alabama 1975, to provide further for the date of a run-off primary election.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 324. (With Amendment): To amend Section 17-4-132, Code of Alabama 1975, to remove the requirement that a voter be notified by certified mail before the voter's name is purged from the registration list for committing a felony involving moral turpitude.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 395. To require individual voters to present certain identification at the polls as a prerequisite to being authorized to vote; to provide for the appointment of equal numbers of election officials from each major political party at each polling place statewide; and to provide criminal penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 368. (With Substitute): To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 367. To amend Section 17-6-13 of the Code of Alabama 1975, to provide mileage for the returning officer.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 255. (With Amendment): Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections for members of the Senate and House of Representatives, to limit the legislative terms.

The above bill was read a second time at length as required by the Constitution.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 280. (With Amendments): To regulate the financing of certain political campaigns and other political campaign practices for certain state public offices and prescribe penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 179. (With Substitute): To provide for the qualified electors of the state to vote for candidates for elected offices without regard to the political affiliation of the elector; to provide for the date of the open primary and runoff elections; to require all candidates who qualify to run for an office to be listed on the open primary election ballot; to change the date of the presidential preference primary election; to amend Sections 17-1-1, 17-8-2, 17-8-10, 17-8-45, 17-9-7, 17-9-26, 17-9-33, 17-10-12, and 17-16-1, Code of Alabama 1975; and to repeal Sections 17-7-1, 17-8-2.1, 17-8-3, 17-8-4, 17-8-5, 17-8-15 to 17-8-19, inclusive, 17-8-21, 17-9-31, 17-16-4, 17-16-9, 17-16-11 to 17-16-17, inclusive, 17-16-20, 17-16-21, 17-16-36, 17-16-37, 17-16-40, 17-16-41, 17-16-46, 17-16-70 to 17-16-89, inclusive, and 17-16A-1, Code of Alabama 1975.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 299. (With Substitute): To regulate further the award of punitive damages in civil actions; to prescribe amounts of punitive damages that may be awarded; to prohibit, in certain civil actions, an award of punitive damages except upon an award of economic damages; to prohibit award of punitive damages against any defendant not expressly found to have committed conduct warranting such an award and to require the award to be commensurate with a defendant's conduct; to prohibit punishment more than once for the same wrongful act or course of conduct; and to prescribe circumstances under which a defendant may be liable for punitive damages arising from the conduct of another; to amend Section 6-11-21 of the Code of Alabama 1975; to repeal Section 6-11-27 of the Code of Alabama 1975; and to provide an effective date for such act.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 302. Relating to civil actions for fraud to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered, the fraud, to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into one cause of action whether committed by misrepresentation or suppression; and to specifically repeal Section 6-11-27 and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

H. 301. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; to limit the recovery of such damages to \$350,000 in cases involving physical injury; to limit the recovery of such damages to an amount equal to the economic damages recovered by the claimant in all other cases to limit the recovery of these damages to civil actions of the type in which these damages are currently authorized to be recovered; to provide an effective date for such act; and to provide that such act shall apply only to civil actions commenced or filed on or after the effective date of such act.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 47. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

H. 140. To repeal Section 12-14-15, Code of Alabama 1975, relating to mayoral powers to remit fines and commute sentences and grant pardons from convictions in municipal court for violations of ordinances.

H. 230. To amend Section 40-1-37, Code of Alabama 1975, relating to the certain irregular elections of a special county or municipal tax, to provide further for elections exempted from the ratification process.

H. 231. To amend Section 11-41-8, Code of Alabama 1975, relating to validation of prior attempted incorporations by municipalities, to further provide for the validation of attempted incorporation prior to the effective date of this act.

H. 232. To amend Section 11-42-5 of the Code of Alabama 1975, to validate and ratify under certain conditions any municipal annexation by any municipality prior to the effective date of this act notwithstanding any procedural defect by the municipality.

H. 233. Relating to municipal planning and zoning; to amend Section 11-52-3 of the Code of Alabama 1975, providing for the composition and powers of municipal planning commissions to further provide for the composition of the planning commissions in Class 8 municipalities; prohibiting a member of the planning commission from also serving as a member of the zoning board of adjustment; requiring all members of the planning commission to be residents and qualified electors of the city's planning jurisdiction rather than qualified electors of the city; providing for four-year terms, rather than the current six-year terms; providing further for the removal of members of the planning commission; to amend Section 11-52-8 of the Code of Alabama 1975, relating to the adoption of a master plan for the physical development of a municipality, to change the procedure from master plan to review and provide further for the documentation and contents of the plan; to amend Section 11-52-9 of the Code of Alabama 1975, to delete specific purposes and contents of the preparation of the master plan relating to the environment, traffic, distribution of the population and adequate public utilities, among other requirements, and providing for a comprehensive plan; to amend Sections 11-52-10 and 11-52-11 of the Code of Alabama 1975, relating to procedures for the adoption of the master plan, to require the municipal governing body to formally adopt any plan instead of the planning commission and provide for the commission to make its recommendations to the municipal governing body on the master plan; to amend Section 11-52-30 of the Code of Alabama 1975, to provide that the county engineer shall approve a map or plat of a subdivision prior to the recording or sale of property referenced to the map or plat and to provide that the county commission may under certain conditions waive

the requirement; to amend Section 11-52-32 of the Code of Alabama 1975, relating to the approval or disapproval of the plat by the planning commission and the powers of the planning commission as to subdivision zoning generally, to provide further for the period in which the planning commission may approve or disapprove a plat, the minimum number of affirmative votes for approval by the planning commission, and deleting certain other procedures required of the planning commission for recommendations to the council on amendments to zoning ordinances and maps of the territory within a subdivision; to amend Section 11-52-72 of the Code of Alabama 1975, relating to zoning, to further provide generally for the goals and purposes of zoning ordinances; to amend Section 11-52-80 of the Code of Alabama 1975, relating to the board of adjustment, to delete the power of the chair or acting chair to administer oaths and compel the attendance of witnesses, and providing further for the conditions upon which the board may grant a variance from the terms of an ordinance and providing other technical nonsubstantive corrections; to provide that certain local laws shall not be affected by this act; to repeal Sections 11-52-50 to 11-52-54, inclusive, Code of Alabama 1975, relating to reservation of lands in subdivisions for future acquisition for streets and the procedures therefor; and to repeal Section 11-52-79 of the Code of Alabama 1975, relating to the power of a municipality or town to appoint a zoning commission.

H. 234. To amend Section 11-81-31 of the Code of Alabama 1975, to ratify certain elections by counties or municipalities for the purpose of approving the issuance of bonds under certain conditions.

H. 250. To provide for the liability of a county for damages under certain conditions; and to provide limits on damages based on judgments or combinations of judgments.

H. 326. To amend Section 41-16-50, Code of Alabama 1975, relating to competitive bidding; to further provide for the awarding of contracts to local preference zones.

H. 331. To provide municipalities with a procedure for the abatement of weeds; to provide for the notice requirement to abate weeds; to authorize the assessment of the cost of abatement as a special assessment against the property where weeds have been removed; to provide that the assessment shall constitute a lien on the property; to provide methods of collecting the assessments; to authorize the tax collector to collect the assessments; and to provide that this act shall be cumulative in its nature.

H. 392. To amend Sections 11-40-30 to 11-40-36, inclusive, Code of Alabama 1975, which authorizes Class 1 municipalities to move or demolish buildings and structures or parts thereof that are found by the municipal governing body to be unsafe and that are a public nuisance, to authorize all municipalities to use the same procedures.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 202. (With Amendment): To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 246. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act No. 96-577, H. 755, 1996 Regular Session (Acts 1996, p. 913), relating to speed limits; to delete the provision prohibiting law enforcement officers of a municipality which has less than 19,000 inhabitants from enforcing speed limits on interstate highways.

H. 256. To make it unlawful for an animal or a child to ride in the bed of a pickup truck; to provide certain exemptions; to prescribe a penalty for violation of this act; and to provide for a phased in implementation of this act.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 370. (With Amendment): To amend Section 32-5-76 of the Code of Alabama 1975, to provide for covering or securing of loads carried by motor vehicles under certain conditions subject to penalties as provided for other violations of motor vehicles laws.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 356. To increase the fines levied for speeding in excess of the posted limit in a highway work zone.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 320. To amend Section 28-3-1, Code of Alabama 1975, to provide further for the definition of beer, or malt or brewed beverages.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

H. 19. Relating to Cullman County; to amend Section 4 of Act No. 85-128, 1985 Regular Session, to waive the mailout fee on motor vehicle license tags for motor vehicle owners who are handicapped or disabled or who are 65 years of age or older.

H. 87. Relating to Marion County; to amend Section 4 of Act No. 80-128, 1989 Regular Session, as amended by Act No. 91-453, 1991 Regular Session, to provide further for the disposition of the proceeds from the sale of county property.

H. 242. Relating to Marion County; to repeal Act No. 82-245, 1982 Regular Session, which provides for a fund in the county treasury to pay bounties for trapping beaver.

H. 249. Relating to Walker County; to amend Section 1 of Act No. 79-658, H. 997 of the 1979 Regular Session (Acts 1979, p. 1140), increasing the term of office of the revenue commissioner.

Representative Turnham, Chairperson of the Standing Committee on Local Legislation No. 8, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 147. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

The above bill was read a second time at length as required by the Constitution.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 281. Providing employer immunity from civil liability in providing information on job performance or professional conduct or evaluation of a former employee to prospective employers; and to provide for a rebuttable presumption of good faith.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 213. (With Amendment): To establish an anti-fraud unit within the Workers' Compensation Division of the Department of Industrial Relations to investigate complaints.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 214. (With Amendments): Relating to workers' compensation; to amend Sections 25-5-8, 25-5-14, 25-5-50, and 25-5-78, Code of Alabama 1975, and to add Section 25-5-8.1 and Section 25-5-220 to the Code of Alabama 1975, to make substantial alterations in the existing law.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 174. To amend Sections 25-4-145 and 40-18-100, Code of Alabama 1975; to provide further for the collection of delinquent overpayment of unemployment compensation; to make a person guilty of fraud for a violation; to include the Department of Industrial Relations as a claimant agency for the purpose of seeking relief through setoff debt collection; and to provide for retroactive effect.

H. 289 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 289, from the Standing Committee on Constitution and Elections to the Standing Committee on State Administration.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Ford, Page and Galliher:

H.R. 62. CONGRATULATING DAN AND BETTY MCENTYRE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

The following resolutions were introduced:

By Representatives Ford, Page and Galliher:

H.J.R. 63. CONGRATULATING DAN AND BETTY MCENTYRE ON THEIR 50TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 63, was read and referred to the Standing Committee on Rules.

Also:

By Representative Holmes:

H.J.R. 64. RELATIVE TO THE ALABAMA LAW INSTITUTE LEGISLATIVE INTERN PROGRAM.

MOTION TO SUSPEND RULES AND ADOPT OFFERED

Representative Holmes offered the motion to suspend the rules and adopt the resolution, H.J.R. 64.

DIVISION OF THE QUESTION

Representative Venable called for a Division of the Question, and the motion was lost, lacking a four-fifths vote.

Yeas 32; Nays 14.

Yea:

Mr. Speaker, Bandy, Dolbare, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Parker (P), Perdue, Rogers (M), Sims, Spratt, Thomas (J) and Venable.

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Nay:

Representatives Allen, Box, Carter, Crigler, Dean, Ford, Haney, Papucci, Payne, Penry, Pringle, Sanderford, Sanderson and Wren.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

The resolution, H.J.R. 64, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 37. COMMENDING COACH BOBBY JOE JOHNSON FOR HIS OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

Also:

H.J.R. 40. CONGRATULATING TIMOTHY AND LILLIE D. HOLMES ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 41. COMMENDING E. DOODY PETERS ON HIS OUTSTANDING ACHIEVEMENTS AS AN OYSTER CATCHER.

Also:

H.J.R. 44. MOURNING THE DEATH OF FRED LACOY SMITH OF MOBILE, ALABAMA.

Also:

H.J.R. 45. RECOGNIZING DONNY MARTIN AS RECIPIENT OF THE CITIZEN OF THE YEAR AWARD.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Page, Ford and Galliher:

H.R. 65. HONORING THE GADSDEN ASSOCIATION OF LIFE UNDERWRITERS.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 30. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED RULE NO. 410-2-4-12, ENTITLED "AMBULATORY SURGERY."

Also:

H.J.R. 31. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

Also:

H.J.R. 32. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON CONTRACTUAL RELATIONSHIP BETWEEN PHP HEALTHCARE, INC. AND THE STATE OF ALABAMA.

Also:

H.J.R. 33. COMMENDING WILLIAM EWING MELLOWN, JR., ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 34. COMMENDING DR. JON TOORCHEN, FCSD, U.K., AND HIS OUTSTANDING WORK COMMEMORATING THE 130TH ANNIVERSARY OF THE C.S.S. ALABAMA.

Also:

H.J.R. 36. MOURNING THE DEATH OF JAMES RECORD OF HUNTSVILLE, ALABAMA.

McDOWELL LEE
Secretary

RESOLUTION

The following resolution was introduced:

By Representatives Page, Ford and Galliher:

H.J.R. 66. HONORING THE GADSDEN ASSOCIATION OF LIFE UNDERWRITERS.

WHEREAS, on February 14, 1997, the Hometown Celebration will be held in the Gadsden Convention Center honoring the Gadsden Association of Life Underwriters for its outstanding contributions and achievements; Mark Johnson, CLU, ChFC, and incoming president of the National Association of Life Underwriters, will be in attendance along with his wife, and will serve as guest speaker for the event; and

WHEREAS, to be a Hometown Celebration honoree, an association must qualify for the prestigious Dublin Award five times, and to qualify for a Dublin Award an association must make significant and on-going contributions toward improving the quality of life in the local community; and

WHEREAS, the Gadsden Association of Life Underwriters has clearly exhibited an exemplary record of community service over the years and, among numerous involvements has sponsored the Magic Moments Walk-a-Thon for 2 years; served as Bell Ringers for the Salvation Army for 16 years; as Co-Chair for the Etowah County Food Bank for 3 years; with Adopt-a-School for 6 years, The Alabama Organ Donor Program for 7 years, the Medic Alert Program for 8 years; and on behalf of the Oklahoma City Bombing Relief Fund and the Hurricane Opal Relief Fund; and

WHEREAS, indeed, the contributions the association has made to the welfare and improvement of the community have been invaluable and deserving of widespread public recognition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the Gadsden Association of Life Underwriters on its selection for this notable recognition, and direct that a copy of this resolution be provided the Association as a token of our tribute and esteem.

On motion of Representative Page, the rules were suspended and the resolution, H.J.R. 66, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 5. MOURNING THE DEATH OF GRANVILLE TURNER OF TONEY, ALABAMA.

Also:

H.J.R. 21. COMMENDING THOMAS STEVEN ELLISOR FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

Also:

H.J.R. 22. COMMENDING EDDIE G. HAMILTON ON HIS OUTSTANDING ACHIEVEMENTS.

Also:

H.J.R. 24. NAMING THE "CARL WILLIAMS BRIDGE" IN MOBILE.

Also:

H.J.R. 25. MOURNING THE DEATH OF JOHN DEGARIS OF PELL CITY, ALABAMA.

Also:

H.J.R. 26. COMMENDING GERALD DEAS FOR OUTSTANDING ACHIEVEMENTS AT THE INTERNATIONAL LAW ENFORCEMENT GAMES.

Also:

H.J.R. 27. MOURNING THE DEATH OF VERNER O. ROBERTS OF TRUSSVILLE, ALABAMA.

Also:

H.J.R. 28. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolution was introduced:

By Representative Turnham:

H.J.R. 67. INVITING MISS AMERICA, TARA DAWN HOLLAND, TO ADDRESS THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Tara Dawn Holland, the reigning Miss America, is hereby most respectfully requested to address a joint session of the Alabama Legislature on February 20, 1997.

BE IT FURTHER RESOLVED, That the Clerk of the Alabama House of Representatives, by copy of this resolution, shall advise Miss Holland of this invitation and of our hopeful anticipation of her acceptance.

On motion of Representative Turnham, the rules were suspended and the resolution, H.J.R. 67, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hilliard:

H.R. 68. COMMENDING DR. GORDON RAY COLEMAN UPON HIS DISTINGUISHED MINISTRY AND WELCOMING HIM TO ALABAMA.

Also:

By Representative Houston:

H.R. 69. HONORING REVEREND ANDREW TURNER, JR., FOR OUTSTANDING ACHIEVEMENT.

Also:

By Representative Letson:

H.R. 70. MOURNING THE DEATH OF O'NEAL WILHITE OF LAWRENCE COUNTY.

Also:

By Representative Letson:

H.R. 71. MOURNING THE DEATH OF BENJAMIN ROSE OF LAWRENCE COUNTY.

Also:

The following resolutions were introduced:

By Representative Laird:

H.J.R. 72. COMMENDING KENNETH R. MCCARTHA ON HIS DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

The resolution, H.J.R. 72, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sanderson:

H.J.R. 73. NAMING ACT 96-474 RELATING TO ANATOMICAL GIFTS THE "BOBBIE MCDOWELL GIFT OF LIFE ACT."

The resolution, H.J.R. 73, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Sims, Johnson (R) and Boyd:

H.J.R. 74. COMMENDING THE ALABAMA INSTITUTE FOR DEAF AND BLIND FOR ITS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA AND DESIGNATING 1997 AS THE YEAR OF SPECIALIZED SCHOOLS FOR THE DEAF, BLIND, AND MULTIHANDICAPPED IN ALABAMA.

The resolution, H.J.R. 74, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hogan:

H.J.R. 75. COMMENDING MRS. MYRTLE EDGEWORTH HARDING ON HER 104TH BIRTHDAY.

The resolution, H.J.R. 75, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 76. COMMENDING CLYNEICE LEDBETTER ON HER PROFESSIONAL ACCOMPLISHMENTS.

The resolution, H.J.R. 76, was read and referred to the Standing Committee on Rules.

Also:

By Representative Vance:

H.J.R. 77. COMMENDING JOHN DOUGLAS CHAMBERS ON HIS PROFESSIONAL ACHIEVEMENTS.

The resolution, H.J.R. 77, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Johnson (R), Gaston, Turner and Dean:

H.J.R. 78. CREATING THE JOINT INTERIM COMMITTEE ON BIRTH DEFECTS AND MONITORING.

The resolution, H.J.R. 78, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Kennedy, Buskey, Clark (W), Box, Mitchell, Turner, Gaston, Dean, Crigler and Pringle:

H.J.R. 79. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

The resolution, H.J.R. 79, was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 35, was adopted.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson,

Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-99

And the bill:

H. 35. To provide for the enactment by the State of Alabama of the Apalachicola-Chattahoochee-Flint River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 99; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 35:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carothers, Clark (J), Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 36, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-95

And the bill:

H. 36. To provide for the enactment by the State of Alabama of the Alabama-Coosa-Tallapoosa River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 100; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-100

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 36:

Representatives Baker, Black (M), Boyd, Burke, Buskey, Carothers, Clark (J), Clark (W), Clouse, Crigler, Dean, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Penry, Perdue, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 4. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Carter, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 4, said Senate amendment being as follows:

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn Tuesday, February 4, 1997, they adjourn to meet again on Thursday, February 6, 1997, and when they adjourn on Thursday, February 6, 1997, they adjourn to meet again on Wednesday, February 12, 1997, and when they adjourn on Wednesday, February 12, 1997, they adjourn to meet again on Thursday, February 13, 1997, and when they adjourn on Thursday, February 13, 1997, they adjourn to meet again on Tuesday, February 18, 1997, and when they adjourn on Tuesday, February 18, 1997, they adjourn to meet again on Thursday, February 20, 1997, and when they adjourn on Thursday, February 20, 1997, they adjourn to meet again on Tuesday, February 25, 1997, and when they adjourn on Tuesday, February 25, 1997, they adjourn to meet again on Thursday, February 27, 1997.

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 9, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

And the bill:

H. 9. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$500,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 9:

A BILL TO BE ENTITLED AN ACT

Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$250,000 for the fiscal year ending September 30, 1997 and \$250,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares that: Every child is entitled to live in safety and in health and to survive into adulthood; there are concerns about the adequacy of efforts in this state to identify deaths; and recognizing that no single agency or person is responsible, that multidisciplinary, multiagency child death review teams are methods of achieving the state policy.

Section 2. The following words and phrases have the following meanings unless the context clearly indicates otherwise:

(1) **AUTOPSY.** An external and internal examination, medical history and record review.

(2) **CHILD.** A person who has not yet reached his or her eighteenth birthday.

(3) **CHILD DEATHS TO BE REVIEWED.** Those deaths which are unexpected or unexplained.

(4) **COMMUNITY.** The people and area within the local team jurisdiction.

(5) **COUNTY.** The county in which a deceased child resided prior to his or her death.

(6) **INVESTIGATION.** In the context of child death, includes all of the following:

a. A postmortem examination which may be limited to an external examination or may include an autopsy.

b. An inquiry by law enforcement agencies having jurisdiction into the circumstances of the death, including a scene investigation and interview with the child's parents, guardians, or caretakers and the person who reported the child's death.

c. A review of information regarding the child from relevant agencies, professionals, and providers of medical care.

(7) **LOCAL TEAM.** A multidisciplinary, multiagency child death review team established for a county or judicial circuit pursuant to Section 7.

(8) **MEETING.** In-person meetings and conferences as well as those through telephone and other live electronic means. Individual participation in meetings through electronic conferencing may be authorized through the State Team chairperson or designee. Local teams may not meet by electronic means.

(9) **PERSON ACTING IN A PROFESSIONAL CAPACITY.** A health practitioner, law enforcement officer, employee of a local department of social services, undertaker, funeral home director or employee of a funeral home, or firefighter, who is acting in the course of his or her professional duties.

(10) **PROVIDER OF MEDICAL CARE.** Any health practitioner who personally provides, or a facility through which is provided, any medical evaluation or treatment, including dental and mental health evaluation or treatment.

(11) **STATE TEAM.** The State Child Death Review Team.

(12) UNEXPECTED/UNEXPLAINED. In referring to a child's death, includes all deaths which, prior to investigation, appear possibly to have been caused by trauma, suspicious or obscure circumstances, child abuse or neglect, or other agents or Sudden Infant Death Syndrome.

Section 3. It is the policy of this state that responding to unexpected/unexplained child deaths is a state and a community responsibility and must include an accurate and complete determination of the cause of death.

Section 4. (a) There is hereby created the State Child Death Review Team, referred to in this act as the State Team.

(b) The State Team shall be situated within the Alabama Department of Public Health for administrative and budgetary purposes.

(c) The State Team shall be a multidisciplinary, multiagency review team, composed of 36 members, the first 11 of whom are ex officio. The ex officio members may designate representatives from their particular departments or offices to represent them on the State Team who may vote and exercise all other prerogatives of the appointment. The members of the State Team shall include all of the following:

(1) The Governor.

(2) The Attorney General.

(3) The Superintendent of the Alabama Department of Education.

(4) The State Health Officer who shall serve as chair.

(5) The State Registrar for Vital Records.

(6) The Director of the Alabama Department of Forensic Sciences.

(7) The Commissioner of the Alabama Department of Human Resources.

(8) The Commissioner of the Alabama Department of Mental Health and Mental Retardation.

(9) The Commissioner of the Alabama Medicaid Agency.

(10) The Director of the Alabama Department of Public Safety.

(11) The Chief Medical Examiner of the Jefferson County Coroner's Office.

(12) A member of the Senate Health Committee appointed by the Lieutenant Governor.

(13) A member of the House Health Committee appointed by the Speaker of the House.

(14) A representative of the Criminal Justice Information Center.

(15) A pediatrician with expertise in SIDS appointed by the Alabama Chapter, American Academy of Pediatrics.

(16) A health professional with expertise in child abuse and neglect appointed by the Alabama Department of Public Health.

(17) A family practice physician appointed by the Alabama Academy of Family Physicians.

(18) A pediatric pathologist appointed by the Alabama Department of Forensic Sciences.

(19) A private citizen appointed by the Governor.

(20) A child development specialist appointed by the Alabama Department of Human Resources.

(21) A member of the clergy appointed by the Governor.

(22) A representative of the Alabama Coroner's Association.

(23) A representative of the Alabama Network of Children's Advocacy Centers.

(24) A representative of the Coalition Against Domestic Violence.

(25) A representative of the Medical Association of the State of Alabama.

(26) A representative of the Southeast Regional Child Safety Institute.

(27) A representative of the Corporate Foundation for Children.

(28) A representative of the Alabama Sheriff's Association.

(29) A representative of the Fraternal Order of Police.

(30) A representative of the Alabama District Attorney's Association.

(31) Five at-large members selected by the State Team from organizations involved with child health or welfare issues.

(32) A specialist in Pediatric Emergency Medicine appointed by the Alabama Medical Association.

(d) Members who are not ex officio shall serve for a three-year term and shall not serve more than two consecutive terms. Terms for these members shall be staggered.

(e) Staffing for the State Team shall be provided through the Alabama Department of Public Health using funds appropriated under this act.

(f) The initial meeting of the State Team shall be held within 60 days of enactment. Meetings shall be held at least quarterly thereafter.

(g) Nineteen members shall constitute a quorum for conducting all activities of the State Team which may require a vote among the members. A simple majority of members present constituting a quorum shall be required for any affirmative vote.

Section 5. The purpose of the State Team is to decrease the risk and incidence of unexpected/unexplained child injury and death by undertaking all of the following duties:

(1) Identifying factors which make a child at risk for injury or death.

(2) Collecting and sharing information among State Team members and agencies which provide services to children and families or investigate child deaths.

(3) Making suggestions and recommendations to appropriate participating agencies regarding improving coordination of services and investigations.

(4) Identifying trends relevant to unexpected/unexplained child injury and death.

(5) Reviewing reports from local child death teams and, upon request of a local team, individual cases of child deaths.

(6) Providing training and written materials to the local teams to assist them in carrying out their duties. Such written materials shall include model protocols for the operation of the local teams.

(7) Developing a protocol for child death investigations, and revising the protocol as needed.

(8) Undertaking a study of the operations of local teams considering training needs and service gaps. If the State Team determines that changes to any statute, regulation, or policy is needed to decrease the risk and incidence of child injury and death, it shall propose and recommend changes to such statute, regulation, or policy in its annual report.

(9) Educating the public in Alabama regarding the incidence and causes of child injury and death and the public role in aiding in reducing the risk of such injuries and deaths. The State Team shall enlist the support of civil, philanthropic, and public service organizations in its performance of its education duties.

(10) Developing and implementing such procedures and policies as are necessary for its own operation.

(11) Providing the Governor and the Legislature with an annual written report which shall include, but not be limited to, the State Team's findings and recommendations for each of its duties; and providing copies of such report to the public.

(12) Determining, by consent of State Team members, what protocols should be followed by team members for providing data and/or information to the State Team as a whole.

(13) Examining confidentiality and access to information laws, regulations, and policies for agencies with responsibilities for children, including, but not limited to, health, public welfare, education, social services, mental health, and law enforcement agencies, and determining whether those laws, regulations, or policies impede the exchange of information necessary to reduce the risk of injury and death. If the State Team determines that such laws, regulations, or policies do impede the necessary exchange of information, it shall take prompt steps to propose and recommend changes to the appropriate state agencies.

Section 6. State and local team members shall be immune from any and all civil and criminal liability in connection with their good faith participation on the state or local team and all activities associated therewith.

Section 7. (a) There are hereby created local child death review teams.

(b) Each county of the state shall be included in a local multidisciplinary, multiagency child death review team's jurisdiction. The district attorney shall initiate the establishment of local teams by convening a meeting of potential team members within 60 days of enactment. In the absence of the initiation of a child death review team by the district attorney within sixty days of enactment of this legislation, the local public health representative will initiate the first team meeting. During this meeting, participants shall recommend whether to establish a team for that county alone or to establish a team with and for the counties within that judicial circuit.

(c) The local team shall include, but not be limited to, all of the following members, the first six of whom are ex officio. The ex officio members may designate representatives from their particular departments or offices to represent them on the local team who may vote and exercise all other prerogatives of the appointment. The members of the local team include the following:

(1) The County Health Officer.

(2) The Director of the County Department of Human Resources.

(3) The County District Attorney.

(4) The Medical Examiner.

(5) The local coroner.

(6) A mental health professional appointed by the Commissioner of the Department of Mental Health and Mental Retardation.

(7) An investigator with a local sheriff's department who is familiar with homicide investigation.

(8) An investigator with a local police department who is familiar with homicide investigation.

(9) A representative from a local hospital appointed by the team chair.

(10) A pediatrician, or if no pediatrician is available a primary care physician, appointed by the County Medical Society.

(11) A representative from the local education agency.

(12) A representative from a local child advocacy center, if one exists.

(13) A representative of the state funded regional Emergency Medical Services group.

(d) The local team shall select a chair from among its members. The chair shall serve a term of three years and may serve more than one consecutive term.

(e) Members who are not ex officio shall serve for a three-year term and may succeed themselves but shall not serve more than two consecutive terms. Terms for these members shall be staggered.

(f) The initial meeting of the local team shall be held within 60 days of enactment.

(g) A quorum for conducting all activities shall be determined by the local team. A simple majority of members present constituting a quorum shall be required for any affirmative vote.

(h) The purpose of the local team is to decrease the incidence of unexpected/unexplained child injury and death by the following means:

(1) Identifying factors which make a child at risk of injury or death.

(2) Sharing information among the agencies which provide services to children and families or which investigate child deaths or provide services.

(3) Improving local investigations of unexpected/unexplained child deaths by participating agencies.

(4) Improving existing services and systems and assisting in the establishment of additional services and systems to fill in gaps in the community.

(5) Identifying trends relevant to unexpected/unexplained child injury and death.

(6) Educating the local public regarding the incidence and causes of child injury and death and the public role in aiding in reducing the risk of such injuries and deaths.

(i) To achieve its purpose, the local team shall perform all the following duties and functions:

(1) Establish and implement a protocol for the local team within two months of receipt of the model protocols from the State Team as required by Section 4 of this act.

(2) Respond by recording all child deaths and reviewing individual unexpected/unexplained child deaths in accordance with protocols from the State Team.

(3) Meet as deemed necessary by the local chair, but not less than annually, to review the status of unexpected/unexplained child death cases, propose recommendations for improving coordination of services and investigations between member agencies, and propose changes within the member agencies which shall reduce the risk and incidence of unexpected/unexplained child injury and death.

(4) Collect data as required for submittal to the State Team.

(5) Provide reports to the State Team following each team meeting which shall include data on child deaths, steps taken to improve coordination of services and investigations, steps taken to implement changes within member agencies, and advice on needed changes to law, policy, and practice which shall aid in reducing the risk and incidence of child injury and death.

(j) At a local team meeting to review unexpected/unexplained child deaths, information shall be provided as specified below, except where otherwise protected by statute, to carry out each of the following of the local team's purpose and duties:

(1) The providers of medical care, the physician representative or the medical examiner, shall provide pertinent health and medical information regarding a child whose death is being reviewed by the local team.

(2) State, county, or local government agencies shall provide all of the following data on forms developed by the State Team for reporting to local child death review teams:

a. Birth information for children who died at less than one year of age including confidential information collected for medical and health use.

b. Death information for children who have not reached their eighteenth birthday.

c. Law enforcement investigative data, medical examiner investigative data, parole and probation information, and records.

d. Medical care, including dental, mental and prenatal health care.

e. Pertinent information from any social services agency that provided services to the child or family.

Section 8. (a) Meetings of the State Team and of local teams shall be closed to the public and not subject to the State Sunshine Law when the State Team or local team is discussing a specific child death.

(b) Information identifying a deceased child, a family member, guardian or caretaker of a deceased child, or an alleged or suspected perpetrator of abuse or neglect upon a child, may not be disclosed during a meeting which is open to the public.

(c) Information regarding the involvement of any agency with the deceased child or family may not be disclosed during a public meeting.

(d) Nothing in this section shall be construed as preventing the State Team or a local team from requesting the attendance at a team meeting of a person who has information relevant to the team's exercise of its purpose and duties.

(e) Any person who intentionally violates any portion of this section commits a Class C misdemeanor and shall be punished as prescribed by law.

Section 9. (a) All information and records acquired by the State Team or by a local team, in the exercise of its purpose and duties pursuant to this act, are confidential, exempt from disclosure under Section 41-13-1, Code of Alabama 1975, and may only be disclosed as necessary to carry out the team's duties and purposes.

(b) Reports of the State Team and of a local team which do not contain any information that would permit the identification of any person to be ascertained shall be public information.

(c) Except as necessary to carry out a team's purpose and duties, members of a team and persons attending a team meeting may not disclose what transpired at a meeting which is not public under Section 9 of this act, nor shall they disclose any information the disclosure of which is prohibited by this section.

(d) Members of a team, persons attending a team meeting, and persons who present information to a team may release information to such government agencies as is necessary for the purpose of carrying out assigned team duties.

(e) Information, documents, and records of the State Team or of a local team are not subject to subpoena, discovery, or introduction into evidence in any civil or criminal proceeding, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence through those sources solely because they were presented during proceedings of the team or are maintained by a team.

Section 10. The duties of the coroner/medical examiner shall include the following:

(1) Except in locations where a county medical examiner has jurisdiction, the coroner or a person acting in a professional capacity shall report the death of a child by telecommunications to the medical examiner or his or her representative as soon as possible upon discovery.

(2) Upon receipt of a report of a child death, the county medical examiner or state medical examiner shall determine whether the death appears to be unexpected/unexplained. If the death appears to be unexpected/unexplained, the county medical examiner or state medical examiner shall commence an investigation of the death consisting of a postmortem examination conducted by a state or county medical examiner. Upon the recommendation of the state medical examiner, with authorization from a district attorney, an autopsy may be conducted. A county medical examiner may conduct an autopsy at his or her discretion as authorized by existing statutes. This section should not be interpreted as mandating an autopsy. In a case where an autopsy is not performed, the postmortem examination shall consist of an external examination.

Section 11. There is hereby appropriated from the State General Fund to the Alabama Department of Public Health for the fiscal year ending September 30, 1997, the sum of \$250,000 to be used for the implementation of the provisions of the State Child Death Review Team program as herein provided.

Section 12. There is hereby appropriated from the State General Fund to the Alabama Department of Public Health for the fiscal year ending September 30, 1998, the sum of \$250,000 to be used for the implementation and operations of the State Child Death Review Team program as herein provided.

Section 13. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 30. SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED RULE NO. 410-2-4-.12, ENTITLED "AMBULATORY SURGERY."

Also:

H.J.R. 31. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

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Also:

H.J.R. 32. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE ON CONTRACTUAL RELATIONSHIP BETWEEN PHP HEALTHCARE, INC. AND THE STATE OF ALABAMA.

Also:

H.J.R. 33. COMMENDING WILLIAM EWING MELLOWN, JR., ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 34. COMMENDING DR. JON TOORCHEN, FCSD, U.K., AND HIS OUTSTANDING WORK COMMEMORATING THE 130TH ANNIVERSARY OF THE C.S.S. ALABAMA.

Also:

H.J.R. 36. MOURNING THE DEATH OF JAMES RECORD OF HUNTSVILLE, ALABAMA.

Also:

H.J.R. 37. COMMENDING COACH BOBBY JOE JOHNSON FOR HIS OUTSTANDING PROFESSIONAL ACCOMPLISHMENTS.

Also:

H.J.R. 40. CONGRATULATING TIMOTHY AND LILLIE D. HOLMES ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 41. COMMENDING E. DOODY PETERS ON HIS OUTSTANDING ACHIEVEMENTS AS AN OYSTER CATCHER.

Also:

H.J.R. 44. MOURNING THE DEATH OF FRED LACOY SMITH OF MOBILE, ALABAMA.

Also:

H.J.R. 45. RECOGNIZING DONNY MARTIN AS RECIPIENT OF THE CITIZEN OF THE YEAR AWARD.

Also:

H.J.R. 5. MOURNING THE DEATH OF GRANVILLE TURNER OF TONEY, ALABAMA.

Also:

H.J.R. 21. COMMENDING THOMAS STEVEN ELLISOR FOR OUTSTANDING PROFESSIONAL AND COMMUNITY SERVICE.

Also:

H.J.R. 22. COMMENDING EDDIE G. HAMILTON ON HIS OUTSTANDING ACHIEVEMENTS.

Also:

H.J.R. 24. NAMING THE "CARL WILLIAMS BRIDGE" IN MOBILE.

Also:

H.J.R. 25. MOURNING THE DEATH OF JOHN DEGARIS OF PELL CITY, ALABAMA.

Also:

H.J.R. 26. COMMENDING GERALD DEAS FOR OUTSTANDING ACHIEVEMENTS AT THE INTERNATIONAL LAW ENFORCEMENT GAMES.

Also:

H.J.R. 27. MOURNING THE DEATH OF VERNER O. ROBERTS OF TRUSSVILLE, ALABAMA.

Also:

H.J.R. 28. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 9 RESUMED

And the bill:

H. 9. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$250,000 for the fiscal year ending September 30, 1997 and \$250,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 9, as amended:

Representatives Allen, Baker, Bandy, Black (M), Boyd, Burke, Carter, Clark (W), Clouse, Crigler, Dolbare, Drake, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Perdue, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Vance, Willis and Wren.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 186, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 44, was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R), Kennedy, Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representative Holmes.

And the bill:

H. 44. (With Amendment): Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means, said committee amendment being as follows:

Amend H. 44 on page 3, line 12 by deleting "1996" and inserting in lieu thereof "1997"

Further amend on page 28, line 9 by deleting "1996" and inserting in lieu thereof "1997"

AMENDMENT ADOPTED

And the committee amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maul, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 46. COMMENDING WILLARD ROGERS FOR HIS OUTSTANDING COMMUNITY ACHIEVEMENTS.

Also:

H.J.R. 48. DESIGNATING SHELTON STATE COMMUNITY COLLEGE AS THE STATE JUNIOR COLLEGE OF THE FINE ARTS.

Also:

H.J.R. 49. COMMENDING WAYNE GRIER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 66. HONORING THE GADSDEN ASSOCIATION OF LIFE UNDERWRITERS.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 43. REQUESTING A STATEMENT OF MISSIONS AND GOALS OF THE ALABAMA STATE DOCKS FOR FISCAL YEARS 1997 AND 1998.

Also:

H.J.R. 50. COMMENDING WILLIE ANDERSON ON HIS PROFESSIONAL ACCOMPLISHMENTS.

Also:

H.J.R. 61. COMMENDING THE MOUNTAIN BROOK SPARTANS AND HEAD FOOTBALL COACH JOEY JONES AND STAFF ON THEIR OUTSTANDING 1996 FOOTBALL SEASON.

Also:

H.J.R. 67. INVITING MISS AMERICA, TARA DAWN HOLLAND, TO ADDRESS THE ALABAMA LEGISLATURE.

McDOWELL LEE
Secretary

H. 44 RESUMED

The question was then on the passage of the bill, H. 44, as amended.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Hall (A), Hinshaw, Hayden, Baker, Papucci, Morrow, and Hooper:

H. 405. Authorizing the Department of Revenue to accept electronically filed tax returns of all types and to adopt rules and qualifications for tax returns and other documents filed electronically; establishes definitions, return and signature requirements specific to electronic filing; addresses the qualification of electronic return "Originators," "Transmitters," and associated computer software by "Software Developers;" and amends Section 40-1-1, Code of Alabama 1975, to establish, revise, and reorder certain definitions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Papucci (With Notice and Proof):

H. 406. Relating to Limestone County; providing for an advisory referendum on the question of the election of the county superintendent of education.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 406, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Papucci:

H. 407. Requiring financial impact of constitutional amendments to the state to appear on the ballot.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Papucci and Hall (A):

H. 408. To allow the Legislature to provide for elected local positions to become appointed positions upon referendum approval.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Papucci:

H. 409. To provide for the issuance of special motor vehicle license tags or plates for supporters of the Alabama Department of Archives and History; to provide for distribution of the net proceeds from the sale of the tags or plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Papucci:

H. 410. To amend Section 16-27-6 of the Code of Alabama 1975, to require that students be seated while a school bus is in motion; and to require that the number of students on the bus be limited to the number of student seats available.

COMMITTEE ON EDUCATION

By Representative Morrow:

H. 411. To amend Section 36-14-3 of the Code of Alabama 1975, to provide further for fees for services performed by the Secretary of State.

COMMITTEE ON STATE ADMINISTRATION

By Representative Newton (D):

H. 412. To provide for the number of jurors from which criminal juries shall be selected based on the nature of the charge and the number of defendants; and to provide that Rule 18.4(f) of the Alabama Rules of Criminal Procedure is superseded.

COMMITTEE ON JUDICIARY

By Representative Flowers:

H. 413. To state the legislative purpose; to define terms; to require that no person shall practice medicine or osteopathy across state lines unless he or she has been issued a special purpose license to practice medicine or osteopathy across state lines; to authorize the Medical Licensure Commission to issue a special purpose license to an applicant certified by the State Board of Medical

Examiners; to provide that a special purpose license shall be valid for a period of three years and may be renewed upon payment of a renewal fee established by the Medical Licensure Commission in its regulations; to provide that the issuance of a special purpose license subjects the licensee to the jurisdiction of the Board of Medical Examiners and Medical Licensure Commission; to provide that the Medical Licensure Commission is authorized to temporarily suspend a special purpose license on stated grounds; to provide that a licensee shall comply with all laws, rules, and regulations governing maintenance of patient medical records and patient confidentiality; to provide exemptions from the requirement to obtain a special purpose license; to provide sanctions for violation of the requirements of this act; to require that a special purpose license to practice medicine be issued only to physicians whose principal practice location is in a state which makes provision for reciprocal licenses to physicians and osteopaths practicing in the State of Alabama; to authorize the State Board of Medical Examiners and Medical Licensure Commission to adopt rules and regulations to affect the purposes of this act; and to provide for the effective date of this act.

COMMITTEE ON HEALTH

By Representative Hooper:

H. 414. Providing for statutes of limitations on certain causes of action brought against accountants or accounting firms.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 415. Providing for proportionate liability in certain causes of action against accountants or accounting firms for money damages.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 416. Providing that a plaintiff bringing a certain cause of action against an accountant or an accounting firm shall be in a certain privity of contract relationship with the accountant or firm of accountants named as defendants in the action.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 417. To amend Sections 34-1-3 and 34-1-11, Code of Alabama 1975, to further provide for membership on the State Board of Public Accountancy and for permit fees of public accountants.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 418. To amend Sections 34-8-1, 34-8-5, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 419. To exempt the Council on Substance Abuse-NCADD from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 420. To make a conditional appropriation from the General Fund in the State Treasury to the Department of Agriculture and Industries, in the amount of \$5,000,000 for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Venable:

H. 421. Proposing an amendment to the Constitution of Alabama of 1901, to phase-out supernumerary programs for county ad valorem tax officials and to permit their participation in a retirement system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Fuller:

H. 422. To amend Section 26-14-8 of the Code of Alabama 1975, to provide that the record of deaths of children in the statewide central registry for reports of child abuse and neglect shall be a public record.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 423. To amend Sections 12-17-182 and 12-17-215 of the Code of Alabama 1975, to further provide for the compensation of district attorneys and supernumerary district attorneys.

COMMITTEE ON WAYS AND MEANS

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By Representatives Fuller and Hooper:

H. 424. To make an appropriation from the Education Trust Fund in the State Treasury to the Alabama Sports Festival, in the amount of \$125,000 for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 425. To make an appropriation of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1998, and to require an audited financial statement and operations plan prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaston and Kennedy:

H. 426. To amend Sections 32-6-230, 32-6-231, 32-6-232, 32-6-233, 32-6-234, 40-12-300, and 40-12-302, Code of Alabama 1975, relating to motor vehicle registration and license tags and placards for handicapped persons; and to establish license fees.

COMMITTEE ON JUDICIARY

By Representatives White, Morrow, Dolbare, Warren, Hammett, Vance, Flowers, Guin, Letson, Turner, Millican, Galliher, and Reed:

H. 427. To provide for extended seasons for deer hunting with dogs and for stalk deer hunting; and to provide for the Commissioner of the Department of Conservation and Natural Resources to issue appropriate rules and regulations.

COMMITTEE ON PUBLIC WELFARE

By Representative Crigler (With Notice and Proof):

H. 428. Relating to Mobile County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Mobile County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 428, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Crigler:

H. 429. Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, 6-5-623, and 6-5-624 of the Code of Alabama 1975, relating to the legislative intent, definitions, defenses, and limitations on the cause of action for damages in disparagement actions.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Turner:

H. 430. To prohibit the use of fishing boxes to catch catfish unless a portion of the slats are spaced a certain distance apart and to provide penalties.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Turner:

H. 431. To amend Section 9-11-141 of the Code of Alabama 1975, relating to commercial fishing licenses, to exempt residents age 65 or older from the requirement to obtain a license.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 432. To provide for the expungement of the law enforcement and trial court records of a person in certain instances.

COMMITTEE ON JUDICIARY

By Representative Payne:

H. 433. To propose an amendment to the Constitution of Alabama of 1901, providing that appropriations to state or non-state entities shall be considered only in odd-numbered years; providing for a two-year budget; and providing that appropriation of funds could be considered in even-numbered years only in certain situations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson (R):

H. 434. To provide for the licensing and regulation of blind vendor operations on certain public property.

COMMITTEE ON STATE ADMINISTRATION

By Representative Starkey:

H. 435. To exempt the Cooperative Community Ministries, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Jorgensen, Papucci, Sanderford, Thomas (D), Black (M), and Haney:

H. 436. To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

COMMITTEE ON HEALTH

By Representatives Jorgensen, Smith, Morrison, Hall (L), Thomas (D), Hooper, Hill, and Sanderford:

H. 437. Relating to the Department of Human Resources; to require preliminary and fingerprints records check of persons employed with day care centers, group day care homes, family day care homes, foster homes, and child care institutions; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Jorgensen, Morrison, Hall (L), Thomas (D), Hooper, Hill, Sanderford, and Black (M):

H. 438. To amend Section 38-7-2, Code of Alabama 1975, relating to the licensing of child care facilities; to exempt a residence in which a person cares only for a related child or children or only a child or children of an unrelated single-family unit, or both, at any one time.

COMMITTEE ON HEALTH

By Representatives Jorgensen, Sanderford, Smith, and Black (M):

H. 439. To amend Section 32-6-292 of the Code of Alabama 1975, relating to distinctive motor vehicle license plates or tags bearing the words "United States

Armed Forces Retired"; to provide that the spouse of a deceased retired military person who has been issued a distinctive license plate bearing the words "United States Armed Forces" may retain the distinctive tag.

COMMITTEE ON WAYS AND MEANS

By Representatives Jorgensen, Penry, Papucci, Hinshaw, Dean, Morrison, Page, Thomas (D), and Black (M):

H. 440. To provide for a deduction under the State of Alabama income tax in certain amounts for qualifying volunteer fire, rescue, or emergency medical service members and penalties for any violations.

COMMITTEE ON WAYS AND MEANS

By Representative Jorgensen:

H. 441. Amending Section 40-18-190 of the Code of Alabama 1975, to specify that certain property previously owned or leased by an investing company constitutes a capital cost for purposes of obtaining a state income tax capital credit.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos, Rogers (M), Gipson, McKee, and Hawkins:

H. 442. To amend Section 17-7-18, Code of Alabama 1975, relating to proximity of persons to a polling place, to prohibit any person from campaigning or distributing campaign literature within 100 feet of a polling place.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Petelos, Turner, Laird, and McKee:

H. 443. To amend Section 34-14A-6, Code of Alabama 1975, relating to the licensing of home builders, to exempt licensed general contractors from the licensing requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hooper:

H. 444. To amend Section 12-15-34 of the Code of Alabama 1975, as amended by Act 96-502, S. 226, 1996 Regular Session (Acts 1996, p. 636), and by Act 96-571, S. 463, 1996 Regular Session (Acts 1996, p. 871), relating to transfer of cases from juvenile court to criminal court, to provide that any person under the age of 14 years who is charged with the commission of an offense that would constitute a capital offense if committed by an adult may be transferred to criminal court for criminal prosecution as an adult; and to provide for penalties upon conviction.

COMMITTEE ON JUDICIARY

By Representatives Papucci, Hinshaw, and Jorgensen:

H. 445. To amend Section 32-6-133, Code of Alabama 1975, to further provide for the design of distinctive motor vehicle tags for disabled veterans.

COMMITTEE ON WAYS AND MEANS

By Representative Black (M):

H. 446. To amend Section 12-15-65 of the Code of Alabama 1975, relating to the conduct of a hearing in juvenile court, to allow victims of a delinquent act to be present in any court exercising any jurisdiction over a delinquent act and to be seated at the counsel table of the prosecutor.

COMMITTEE ON JUDICIARY

By Representative Black (M):

H. 447. To provide an additional alternative procedure for incorporated municipalities to incorporate into their boundaries certain contiguous unincorporated territory upon petitions of residents and landowners under certain conditions; to require that certain municipal services be furnished in the area as a condition to the assessment of ad valorem taxation.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Penry, McMillan, Crigler, Clark (J), Hammett, Gaston, and Kennedy:

H. 448. To require licensing and permitting of certain persons who provide interpreting and transliterating services; to create the Alabama Licensure Board for Interpreters and Transliterators and provide for its duties; to provide for exemptions from licensure and permitting; to establish and monitor standards of professional practice; to regulate practice of interpreting and transliterating; and to provide penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan and Penry:

H. 449. Relating to county boards of education; to amend Section 16-8-39 of the Code of Alabama 1975, to provide for the keeping of financial records in the manner approved by the State Superintendent of Education and for the annual audit of county boards of education; and to amend Section 41-5-14 of the Code of Alabama 1975, relating to the Examiners of Public Accounts and the auditing of governmental units, to exempt county boards of education from the requirement that they be audited by the Examiners of Public Accounts.

COMMITTEE ON STATE ADMINISTRATION

By Representative Graham:

H. 450. Relating to policies of certain school boards; to require the posting of personnel vacancy notices before the positions are filled; to provide for the adoption of board policies; and to allow for the suspension of posting notices in emergency situations.

COMMITTEE ON EDUCATION

By Representative Graham:

H. 451. To establish a toll-free telephone number in the Office of the Attorney General for reports of violations of the Americans with Disabilities Act.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 452. To allow two or more counties to establish a regional jail authority to maintain and operate a regional jail facility, which would serve as the county jail for each county participating in the regional jail authority; and to provide for the composition, terms, and powers of the board of directors of the regional jail authority, including the issuance of bonds by the authority.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Carothers and Johnson (R):

H. 453. To provide further for the rights and interest in right-of-way property by a person who deeds property to the county or to a public entity, or whose property is taken by the county in condemnation proceedings for purposes of right-of-way.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Johnson (R):

H. 454. To provide for mandatory hospital and physician data collections; to provide for the Alabama Department of Public Health as the designated agency to compile and analyze the collected data; to provide for the collection of data; to provide for an advisory board; and to provide for the submission of the data.

COMMITTEE ON STATE ADMINISTRATION

By Representative Wren:

H. 455. To amend Section 36-16-8 of the Code of Alabama 1975, relating to the Property Inventory Control Division of the Office of the State Auditor; to

reenact the provisions to exempt the property transferred to the Department of Archives and History from being disposed of, transferred, assigned, or entrusted to any other state department, agency, or employee; and to reenact the provisions to exclude historical materials in the custody of the Department of Archives and History from the biannual inventory by the State Auditor.

COMMITTEE ON STATE ADMINISTRATION

By Representative Knight (J):

H. 456. Penalizing a state department or agency which withholds the disbursement of certain federal funds to community action agencies.

COMMITTEE ON STATE ADMINISTRATION

By Representative Parker (P):

H. 457. To allow the officers and employees of the American Federation of Teachers in Alabama to elect to participate in the Teachers' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representatives Page, Turner, and Ford:

H. 458. To amend Sections 32-6-250, 32-6-253, and 32-6-254, Code of Alabama 1975, relating to distinctive license plates, penalty for violation, and use and transferability; to provide that a Medal of Honor or Purple Heart Medal recipient or a duly recognized American Prisoner of War may be issued an additional distinctive license plate, if the registrant pays the ad valorem taxes and fees for the second and subsequent license plate; to provide a penalty for operating a vehicle without annual renewal decals; and to provide that the surviving spouse shall be required to acquire annual decals for vehicles registered under Section 32-6-250.

COMMITTEE ON WAYS AND MEANS

By Representative Galliher:

H. 459. To amend Section 36-26-36.1, Code of Alabama 1975; to provide that certain members of the state retirement systems have the option of receiving payment for a certain amount of unused sick leave at retirement or converting a certain amount of unused sick leave into membership service for retirement purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Carns:

H. 460. To provide for distinctive motor vehicle license plates for churches that submit 2,000 prepaid applications for distinctive plates; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Townsend:

H. 461. To exempt Alabama Community Blood Bank, A Division of Lifesouth from any state, county, municipal and other local taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 462. To amend Sections 3 and 10 of Act 96-574, now appearing as Sections 34-14B-3 and 34-14B-9, Code of Alabama 1975, relating to the Alabama Home Inspectors Registration Act; to provide further for the limits of general liability insurance; to provide further for the clarification of the requirement for a positive net worth or fidelity bond in the amount of \$10,000; to provide further for the Secretary of State to promulgate an Alabama Home Inspectors Code of Ethics and an Alabama Home Inspectors Standards of Practice under the Administrative Procedure Act, and to further provide for penalties for violations.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hill:

H. 463. To amend Section 40-6A-2, Code of Alabama 1975, relating to the compensation of tax assessors, tax collectors, revenue commissioners, license commissioners, or other persons charged with assessing and collecting ad valorem taxes in the various counties of this state, so as to increase the salaries provided these officials by \$10,000 in two increments of \$5,000 each; and to provide an effective date at the beginning of the officials' next term of office.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Hill:

H. 464. To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

COMMITTEE ON WAYS AND MEANS

By Representatives Jackson, Dolbare, Vance, Gaston, and Turner:

H. 465. To provide for distinctive motor vehicle license plates for members of the Kiwanis International; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Jackson and Dolbare:

H. 466. To exempt the Thomasville Civic Center Foundation from the payment of all state, county, and municipal sales and use taxes.

WHEREAS, the Thomasville Civic Center Foundation is a noteworthy charitable organization whose civic contributions to the state, county, and Thomasville area are too numerous to list; and

WHEREAS, even in these times of financial hardship, the Thomasville Civic Center Foundation justly deserves to be exempt from the state, county, and municipal sales and use taxes; now therefore,

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (M):

H. 467. To amend Sections 16-33C-6 and 16-33C-8 of the Code of Alabama 1975, to provide further for the tax status and dissolution procedure for the Prepaid Affordable College Tuition program.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (P):

H. 468. To prohibit any professional contest or exhibition other than boxing, sparring, wrestling or martial art wherein the contestants deliver, or are not forbidden by rules from delivering kicks, punches, or blows of any kind to the body of an opponent or opponents; to provide for a penalty.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Sims:

H. 469. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Calhoun County may participate in

the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representative Sims:

H. 470. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Talladega County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representatives Thomas (D), Jorgensen, Curry, Gipson, Rogers (M), Gaines, Hall (L), Graham, Crigler, McDaniel, Sanderford, Dukes, Minnifield, Papucci, Hinshaw, McAdory, Houston, Johnson (E), Hilliard, Spratt, Robinson, Smith, Murphree, Morrison, Starkey, Drake, Clouse, Moore, Seibenhener, Willis, Sims, Hogan, Wren, Dean, and Pringle:

H. 471. To amend Section 38-7-5 of the Code of Alabama 1975, as amended by Act No. 96-765, H. 653 of the 1996 Regular Session, relating to licenses to operate or conduct child care facilities; to provide for the provisional approval of relatives, godparents, or other individuals to become a foster family.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Thomas (D), Gaines, Gipson, Graham, Sanderford, Minnifield, and Papucci:

H. 472. To amend Section 36-26-100 of the Code of Alabama 1975, defining employees; to include for dismissal procedures, the production workers at the Alabama Industries for the Blind.

COMMITTEE ON STATE ADMINISTRATION

By Representative Thomas (D):

H. 473. To make an appropriation from the General Fund in the State Treasury to the Inzer House Museum, in Ashville, Alabama, in the amount of twelve thousand dollars (\$12,000) to be made in equal monthly installments for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representatives Pringle, Gaston, Dean, Crigler, Buskey, Clark (W), Kennedy, Mitchell, McMillan, Box, and Turner:

H. 474. To exempt the Little Sisters of the Poor from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin, Murphree, Lindsey, Black (M), Morrow, and Morrison:

H. 475. To provide a small business deduction for certain companies operating in Alabama, regardless of the type of business organization; to limit the deduction to \$50,000 or the company's income subject to tax, whichever is less; and to limit the deduction to small businesses which employ 25 or fewer persons during a tax year.

COMMITTEE ON WAYS AND MEANS

By Representatives Guin, Box, Lindsey, Black (M), Murphree, Morrow, and Morrison:

H. 476. Relating to campaigns for public offices; to require a candidate sponsoring an advertisement that disseminates negative or disparaging information about an opponent, to appear in person or by photograph, to identify himself or herself and, for broadcasted advertisements, to use the sponsor's voice to make the negative or disparaging remarks; to require that a person or entity, other than the candidate, who sponsors a political advertisement disseminating negative or disparaging information about a candidate for public office, identify themselves and their major contributors, if any, through required statements; to limit the funding for political advertisements containing negative or disparaging information; and to prescribe penalties for violation of this act.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Hooper:

H. 477. To exempt the Center for Entrepreneurial Development, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 478. To establish the Alabama Small Business Incubator Act of 1997 to promote, establish, and continue the operation of small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and to make an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 479. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coffee County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

COMMITTEE ON LOCAL GOVERNMENT

The above bill was read a first time at length as required by the Constitution.

By Representative Moore:

H. 480. To amend Section 13A-1-2 of the Code of Alabama 1975, relating to the definition of certain words; to provide that a fist, foot, or other body part may be considered a dangerous instrument.

COMMITTEE ON JUDICIARY

By Representatives Hawk, Hinshaw, Page, Letson, Millican, Morrison, Mitchell, and Robinson:

H. 481. To amend Sections 11-43-144 and 36-21-102 of the Code of Alabama 1975, to provide compensation for a physical disability of a fire fighter; to provide educational benefits for the spouse and the children of a fire fighter and a law enforcement officer with an occupational disease or physical disability; and to provide for retroactive effect.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Crigler, Hooper, Dean, Flowers, White, Payne, Seibenhener, Townsend, Carns, Hawkins, Hinshaw, Petelos, Curry, Morton, Rogers (M), Gipson, Gaines, Dukes, McDaniel, Thomas (D), Sanderford, Hill, Morrow, Robinson, Clouse, Moore, Letson, Collins, Hamilton, Venable, Sims, Penry, Vance, McMillan, Gaston, Pringle, Wren, McKee, Dolbare, Jackson, Haney, Sanderson, Jorgensen, Black (M), Lindsey, Guin, Murphree, Morrison, Smith, Millican, Hogan, Willis, Parker (T), and Turner:

H. 482. To amend Section 30-1-3, Code of Alabama 1975, to invalidate and declare void marriages between persons of the same sex.

COMMITTEE ON JUDICIARY

By Representatives Hill and Knight (A):

H. 483. To encourage environmental, health, or safety (EHS) audits by creating a qualified EHS audit privilege; to provide for the use of the EHS audit privilege.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Hawkins:

H. 484. To amend Section 12-17-142 of the Code of Alabama 1975, relating to supernumerary clerks and registers, to equalize the compensation for supernumerary clerks and registers and provide for a retroactive effect.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Fuller, Lindsey, Murphree, Morrison, Sanderford, Graham, Smith, Galliher, Gipson, Curry, Hill, Gaines, Robinson, Morrow, Carter, Sanderson, Turner, Payne, Allen, McMillan, Penry, Wren, McKee, Hogan, Willis, Sims, Clouse, Layson, Flowers, Parker (T), Johnson (R), Hawkins, and Newton (C):

H. 485. To establish "The Alabama Right to Farm and Forest Act"; to provide for the rights of owners of agricultural and forestry land for an economic assessment of governmental action by a state or local governmental entity which may result in diminution of the value of the property; to provide for civil action, remedies, and procedures for damages; to provide for mediation; to provide compensation for injured parties; and to provide for a reduction in the value of the property for ad valorem tax purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 486. To exempt the Center for Entrepreneurial Development, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hooper:

H. 487. To establish the Alabama Small Business Incubator Act of 1997 to promote, establish, and continue the operation of small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and to make an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representatives Petelos and Boyd:

H. 488. To amend Sections 15-23-3, 15-23-5, 15-23-12, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims' Compensation Commission, and the Commission Fund; to further provide for the duties of the commission; and to provide further for the compensation awarded to individual victims and dependents of victims of violent crimes.

COMMITTEE ON JUDICIARY

RESOLUTIONS

The following resolutions were introduced:

By Representatives Crigler, Dean, Clark (W), Turner, Gaston, Box, Mitchell, Kennedy, Pringle and Buskey:

H.J.R. 80. URGING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE CERTAIN CONSTRUCTION PROJECTS IN MOBILE COUNTY.

The resolution, H.J.R. 80, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 81. COMMENDING REVEREND CARL P. WELLS, JR., ON HIS DISTINGUISHED MINISTRY.

The resolution, H.J.R. 81, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sims:

H.J.R. 82. COMMENDING THE ALABAMA INSTITUTE FOR DEAF AND BLIND FOR ITS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA AND DESIGNATING 1997 AS THE YEAR OF SPECIALIZED SCHOOLS FOR THE DEAF, BLIND, AND MULTIHANDICAPPED IN ALABAMA.

The resolution, H.J.R. 82, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (M):

H.J.R. 83. COMMENDING SAKS HIGH SCHOOL FOOTBALL TEAM ON ITS OUTSTANDING SEASON.

The resolution, H.J.R. 83, was read and referred to the Standing Committee on Rules.

Also:

By Representative Mitchell:

H.J.R. 84. COMMENDING THE DELEGATION OF SOUTHERN AFRICAN WOMEN LEGISLATORS AND WELCOMING THEM TO ALABAMA.

The resolution, H.J.R. 84, was read and referred to the Standing Committee on Rules.

Also:

By Representative Mitchell:

H.J.R. 85. RECOGNIZING LUCIA BASSON OF NAMIBIA, AFRICA, AND WELCOMING HER TO ALABAMA.

The resolution, H.J.R. 85, was read and referred to the Standing Committee on Rules.

Also:

By Representative Mitchell:

H.J.R. 86. RECOGNIZING EDNA MADZONGWE OF ZIMBABWE, SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

The resolution, H.J.R. 86, was read and referred to the Standing Committee on Rules.

Also:

By Representative Mitchell:

H.J.R. 87. RECOGNIZING M.M.A. KOTI NYAMA OF SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

The resolution, H.J.R. 87, was read and referred to the Standing Committee on Rules.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Parker (T):

H.R. 88. COMMENDING REVEREND CARL P. WELLS, JR., ON HIS DISTINGUISHED MINISTRY.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Waggoner, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, and Steele:

S.J.R. 9. MOURNING THE DEATH OF FRANK ALBERT NIX OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 9, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Waggoner:

S.J.R. 10. CREATING A JOINT LEGISLATIVE COMMITTEE TO STUDY EMPLOYEE COMPENSATION FOR ALABAMA STATE GOVERNMENT.

WHEREAS, the State of Alabama must have a competitive salary and benefit plan to continue to attract and employ the best and brightest persons into state government; and,

WHEREAS, in today's world, the nature of salaries and benefits being offered to potential employees is becoming more complicated and diverse; and,

WHEREAS, the total cost of salaries and benefits is a major expenditure for state government of Alabama and continues to escalate each year; and,

WHEREAS, all state officials strongly desire to offer and maintain an adequately funded and financially secure benefit package for state employees; and,

WHEREAS, the Legislature believes that there is a need to study and analyze comparative data to ensure that the State of Alabama has a competitive salary and benefit plan for present and future state employees; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint committee to be composed of three members of each house to be appointed by the presiding officer of each house. The State Personnel Director, the State Director of Finance and the State Budget Officer shall serve as non-voting, ex officio members of the committee. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall gather data regarding the costs of salaries and benefits for the state employees of Alabama along with the costs of salaries and benefits for private industry in the State of Alabama. This committee shall study and analyze this data to make a comparison of these costs for state government with costs for private industry. The committee shall report its findings to the Legislature by the fifteenth legislative day of the 1997 Regular Session. Unless continued by a joint resolution, the committee shall dissolve at that time.

BE IT FURTHER RESOLVED, That upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. Each legislative member of the committee shall be entitled to his or her regular legislative compensation per diem and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chair; provided, however, members shall not receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total amount of expenditures by this committee shall not exceed \$5,000.00.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 10, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Myers:

S.J.R. 11. REQUESTING A STATEMENT OF MISSIONS AND GOALS OF THE ALABAMA STATE DOCKS FOR FISCAL YEARS 1997 AND 1998.

WHEREAS, the Alabama State Docks is an agency of the State of Alabama directed and designated by law to engage in works of internal improvement of the harbors and riverports within the state and to promote and develop shipping and transportation of products within the state and internationally; and

WHEREAS, the Alabama State Docks is a self-supporting state agency sustaining its growth, operations, and capital improvements through charges to the shippers and customers of the Docks' facilities; and

WHEREAS, the Alabama State Docks generates approximately \$50 million dollars per year from customer charges and fees, and is indirectly responsible for 60,000 jobs for Alabamians; and

WHEREAS, the maintenance and development of infrastructure and facilities for the shipping and transportation industry are vital to the state's economy and to the jobs created thereby; and

WHEREAS, the Legislature has an interest in ensuring economic profitability of the Alabama State Docks; and

WHEREAS, the Legislature desires to ensure the continued improvement of the Alabama State Docks in its performance and quality of service to its customers; and

WHEREAS, the Legislature believes it is in the best interest of the Alabama State Docks and the State of Alabama that a mission statement and strategic goal assessment for the Alabama State Docks be developed by the Director; and

WHEREAS, the Legislature desires that such a mission statement and strategic goal assessment should address an in-depth analysis of sufficient and effective uses of personnel, personnel management, asset management, the financial structure and status of the Alabama State Docks, and an examination of capital facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature requests the Director of the Alabama State Docks to prepare a mission statement and strategic plans and goals for the Alabama State Docks for the fiscal years 1997 and 1998 and to conduct an in-depth analysis of the operations of the Alabama State Docks which shall include, but not be limited to, efficient and effective use of personnel, personnel management, financial structure and status, capital facilities examination, and asset management. The report of the Director shall be presented to the Governor, the Speaker of the House, the Lieutenant Governor, and members of the Legislative Council, by January 1, 1998, and every two years thereafter.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to the Director of the Alabama State Docks so that this request is appropriately conveyed.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 11, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Armistead:

S.J.R. 12. COMMENDING GLENDA OGLETREE OF HELENA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 12, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 13. MOURNING THE DEATH OF DR. BENJAMIN FRANKLIN THOMAS, JR., OF AUBURN, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 13, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 14. COMMENDING JAMES RHODES OF CAMP HILL, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 14, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 15. COMMENDING JUDGE JOHN PATTERSON FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 15, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Langford:

S.J.R. 16. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 16, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Clay, Langford, Dial, Waggoner, Armistead, Smitherman, Figures, Sanders, Windom, Lindsey, Little, Denton, Steele, Bailey, Adams, Amari, Barron, Bedford, Biddle, Butler, Davidson, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, and Smith:

S.J.R. 17. HONORING DR. GEORGE WASHINGTON CARVER OF TUSKEGEE, ALABAMA, AND DESIGNATING JANUARY 5 AS DR. GEORGE WASHINGTON CARVER DAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 17, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Armistead, Adams, Amari, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 18. COMMENDING FRED C. CRAWFORD AS THE RECIPIENT OF THE UNIVERSITY OF MONTEVALLO NATIONAL ALUMNI ASSOCIATION'S 1996-97 LOYAL ALUMNUS AWARD.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 18, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Mitchem, Little, Lindsey, Biddle, and Roberts:

S.J.R. 19. DESIGNATING FEBRUARY 19 AS THE 1997 AGRIBUSINESS DAY IN ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 19, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchem:

S.J.R. 20. MOURNING THE DEATH OF CURTIS BOYD WILLIAMS, SR., OF BLOUNTSVILLE, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 20, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Smitherman:

S.J.R. 22. COMMENDING MAYOR QUITMAN J. MITCHELL OF BESSEMER, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 22, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Butler and Freeman:

S.J.R. 23. DESIGNATING THE TROOPER WILLIS V. MOORE HIGHWAY IN MADISON COUNTY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 23, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

REGULAR SESSION
3rd Day

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Delivered to the Governor at 3:34 p.m. on February 12, 1997.

H.J.R. 30	H.J.R. 45
H.J.R. 31	H.J.R. 5
H.J.R. 32	H.J.R. 21
H.J.R. 33	H.J.R. 22
H.J.R. 34	H.J.R. 24
H.J.R. 36	H.J.R. 25
H.J.R. 37	H.J.R. 26
H.J.R. 40	H.J.R. 27
H.J.R. 41	H.J.R. 28
H.J.R. 44	

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holmes, the House adjourned until 10:00 o'clock a.m., Thursday, February 13, 1997.

Yeas 37; Nays 34.

Yea:

Representatives Baker, Bandy, Black (L), Box, Burke, Carter, Dolbare, Ford, Galliher, Graham, Guin, Hall (L), Hayden, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Moore, Morrison, Murphree, Newton (C), Payne, Perdue, Reed, Rogers (J), Seibenhener, Starkey, Thomas (J) and Townsend.

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Nay:

Mr. Speaker, Black (M), Clouse, Collins, Crigler, Dean, Dukes, Gaines, Hall (A), Hamilton, Hammett, Hawkins, Hogan, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McMillan, Millican, Minnifield, Newton (D), Papucci, Parker (P), Penry, Pringle, Sanderson, Sims, Smith, Thomas (D), Vance, Venable, Willis and Wren.

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FOURTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 13, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Mickey Castleberry, Ridgecrest Baptist Church, Montgomery, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Angela Beasley, Charissa Lambert and Kenya Montgomery, 8th Grade, Wellborn High School, Anniston, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the third legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the third legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Hill, leave of absence was granted for Representative Knight (A).

Also:

At the request of Representative Murphree, leave of absence was granted for Representative Guin.

H. 454 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 454, from the Standing Committee on State Administration to the Standing Committee on Health.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, February 18, 1997, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 63. CONGRATULATING DAN AND BETTY MCENTYRE ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great personal pride and pleasure that Dan and Betty McEntyre of Rainbow City, Alabama, are congratulated on the occasion of their 50th Wedding Anniversary; and

WHEREAS, graduates of Jacksonville State University, Mr. and Mrs. McEntyre were joined in Holy Matrimony on February 23, 1947, and have been faithful members of Riddles Bend Baptist Church since 1946, both serving as Sunday School teachers, and Mr. McEntyre as a deacon and Sunday School Director; and

WHEREAS, Mr. McEntyre attained the rank of sergeant while serving his country with honor in the United States Army, and received numerous prestigious honors including two Purple Hearts and the Bronze Star; and

WHEREAS, he retired from Liberty National Life Insurance Company in 1986, following a 26 year professional career; Mr. McEntyre is presently employed with Sherwin Williams Paint Store and maintains time to enjoy crafts and woodwork; and

WHEREAS, Mrs. McEntyre is a credit to her community as an active and energetic member of El Senor, a Senior Citizens Club in Gadsden, Alabama; and

WHEREAS, Mr. and Mrs. McEntyre have distinguished themselves as highly regarded and admired members of their community, and they have set an outstanding example of a joyous and lasting marital partnership; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate Dan and Betty McEntyre on their 50th Wedding Anniversary and, by copy of this resolution, extend to them best wishes for happiness and good health in the future.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 63, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 72. COMMENDING KENNETH R. MCCARTHA ON HIS DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, Kenneth R. McCartha has retired as Superintendent of Alabama Banks in Montgomery, Alabama, after 33 years of dedicated service with the State of Alabama, and it is appropriate at this time to extend special recognition and congratulations to him for his professional leadership; and

WHEREAS, a native of Honoraville, Alabama, Mr. McCartha earned his B.S. degree from Troy State University, and graduated from the Graduate School of Banking of the South at Louisiana State University; and

WHEREAS, beginning his tenure as superintendent of banking in June 1978, Mr. McCartha, who has championed scores of causes in the banking industry, was instrumental in revising the banking code and is one of the most admired and widely respected superintendents in the history of Alabama banking; and

WHEREAS, his unique talent and knowledge have made a lasting impression with the Alabama Housing Finance Authority, Alabama Agricultural Development Authority, Alabama Higher Education Loan Corporation, and the Alabama Securities Commission, where he served as chairman from 1993 to 1996; and

WHEREAS, he also has a well-deserved reputation for high standards of professionalism with countless organizations on local, state, and national levels; and

WHEREAS, as a result of his tireless hard work and unwavering commitment, Kenneth R. McCartha has succeeded in compiling an impressive record of career achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his outstanding commitment and selfless service to the State of Alabama highest commendation is hereby bestowed upon Mr. McCartha, for whom a copy of this resolution shall be provided with sincere best wishes for a rewarding and gratifying retirement.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 72, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 73. NAMING ACT 96-474 RELATING TO ANATOMICAL GIFTS THE "BOBBIE MCDOWELL GIFT OF LIFE ACT."

WHEREAS, in 1996, the Alabama Legislature enacted Act 96-474, which will be codified as Sections 22-19-70 to 22-19-74, inclusive, Code of Alabama 1975, which provides for the giving of anatomical gifts by application for a driver's license or nondriver's identification, thereby enhancing the needed supply of transplantable human organs and facilitating the organ donation process; and

WHEREAS, the late Bobbie Green McDowell, our friend and colleague in the House of Representatives who served from 1984 through 1994, was a keen supporter of organ donation and transplantation, who herself had a kidney transplant several years prior to her death on October 6, 1996; and

WHEREAS, in addition to her able representation of her constituents from Bessemer, Alabama, and her legislative committee service, Mrs. McDowell was perhaps best remembered for her advocacy for women and minority issues in the Legislature; and

WHEREAS, a lifelong Democrat who faithfully served her party, Mrs. McDowell was respected and admired for her tenacity, integrity, and good humor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 96-474 is known as and may be cited as the "Bobbie Green McDowell Gift of Life Act," in honor and memory of our late friend and colleague.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 73, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 73:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 75. COMMENDING MRS. MYRTLE EDGEWORTH HARDING ON HER 104TH BIRTHDAY.

WHEREAS, it is indeed a pleasure to recognize Mrs. Myrtle Edgeworth Harding of Lamar County on the celebration of her 104th birthday on December 31, 1996; and

WHEREAS, Mrs. Harding, a Baptist for 90 years, continues to remain vitally interested in the affairs of her church, Mount Vernon Baptist Church, and deserves special recognition for her countless years of Christian service; and

WHEREAS, she has provided tender love and support to numerous school teachers during her lifetime, and gives fascinating glimpses of seeing the first automobile in Cullman, Alabama; and

WHEREAS, Mrs. Harding continues to amaze everyone with her alertness and positive attitude, and enjoys sharing her marvelous cooking recipes with family and friends; and

WHEREAS, married to her loving husband, the late Charles Harding, she is the proud mother of Viva Abbott, Tisha Boyle, and Doyle Harding (deceased); devoted grandmother to Bruce Abbott, Kim Hammond, Myra Crockett, and Dennis Harding; and six great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mrs. Myrtle Edgeworth Harding, who has provided much love and dedication to her family and friends, is hereby honored on her 104th birthday and, by copy of this resolution, extended sincere best wishes for a joyous birthday celebration.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 75, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 77. COMMENDING JOHN DOUGLAS CHAMBERS ON HIS PROFESSIONAL ACHIEVEMENTS.

WHEREAS, John Douglas Chambers, a lifelong resident of Phenix City, Alabama, is being honored at a reception at the Douglas Key Gymnasium, Chattahoochee Valley Community College, on February 14, 1997; and

WHEREAS, Mr. Chambers, who became President of Ingram State Technical College on January 1, 1997, is former Dean of Students at Chattahoochee Valley Community College, and is indeed impeccably qualified to hold this honored position; and

WHEREAS, further, Mr. Chambers not only has served as an inspiration and role model to his students in pursuit of their careers, but in leadership and service to their communities and fellowman as well; and

WHEREAS, in sincere admiration of the many notable accomplishments of John Douglas Chambers as an outstanding educator and school administrator, the Legislature of Alabama acknowledges, with deep gratitude, his invaluable educational contributions to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend John Douglas Chambers on his selection as President of Ingram State Technical College, and direct that he receive a copy of this resolution of sincere admiration and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 77, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 79. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of our colleague and friend, Michael A. Figures, of Mobile, Alabama, September 13, 1996, at the age of only 48 years; and

WHEREAS, born on October 13, 1947, to the Reverend Coleman Figures and the late Mrs. Augusta Figures, in Mobile, Alabama, Mr. Figures was a faithful member of Green Grove Missionary Baptist Church where his father is pastor; and

WHEREAS, he received his Bachelor of Arts Degree in History from Stillman College in 1969, pursued studies at the University of Nebraska from 1966-67, and earned his Juris Doctorate Degree from the University of Alabama School of Law in 1972; and

WHEREAS, a partner in the law firm of Figures, Jackson, and Harris, Michael A. Figures was a prominent member of the Alabama State Senate, who had represented District 33 in Mobile County since 1978, and was serving as President Pro Tempore; and

WHEREAS, he was known statewide for his significant and positive impact upon state government in such capacities as past treasurer of the Democratic Party in 1989; vice chairman of the Alabama Delegation of the Democratic National Convention in 1980; and as a delegate in 1984, 1988, 1992, and 1996; and

WHEREAS, a member of the Alabama Bar Association, Mr. Figures served as past president of the Alabama Lawyers Association in 1976; he maintained a central role and was president of the New South Coalition in 1990-91, a political caucus he helped to found in the 1980s that brought blacks and whites together; and was a member of the Board of Trustees of Stillman College; and

WHEREAS, his many accomplishments and awards earned him the highest regard of all those whose lives he touched, including Mobile Jaycees' Outstanding Young Man of Mobile in 1978, and as recipient of the Distinguished Alumni Award of Stillman College National Alumni Association in 1979; and

WHEREAS, other prestigious awards include Outstanding Legislator by the Alabama Senate in 1986, Trial Lawyer of the Year in 1987, and the Candace Award from the National Coalition of 100 Black Women in 1988; and

WHEREAS, Michael A. Figures is indeed to be honored for his illustrious record of personal, professional, public, and civic achievements, as well as his lifetime of service to the Mobile Community and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Michael A. Figures, and extend our very deepest sympathy to his loving wife, Vivian Davis Figures; devoted sons, Jelani Anthony, Shomari Coleman, Akil Michael, and Derrick Demond; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 79, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 81. COMMENDING REVEREND CARL P. WELLS, JR., ON HIS DISTINGUISHED MINISTRY.

WHEREAS, Reverend Carl P. Wells, Jr., retired after 42 years of dedicated religious service with First Baptist Church, Tuscaloosa, Alabama, on June 30, 1996, and it is appropriate to highlight his many achievements and to extend public recognition and commendations to him for his spiritual leadership; and

WHEREAS, a native of New Hebron, Mississippi, Reverend Wells graduated from New Hebron High School, and received his B.A. degree from Mississippi College in 1956; he also served with patriotism and dedication in the United States Army from 1956 to 1958; and

WHEREAS, Reverend Wells received his Master of Religious Education Degree from Southern Baptist Theological Seminary, Louisville, Kentucky, in 1960; and

WHEREAS, Reverend Wells served as minister of education for 33 years and, in 1983, became associate pastor for education at First Baptist; and

WHEREAS, Reverend Wells loved his church and spent many hours serving on numerous committees including the Tuscaloosa County Baptist Association and the Alabama Baptist State Convention, as well as enthusiastically supporting the construction of the Family Life Center; and

WHEREAS, other areas of religious service include Prison Ministry, Chairman of the Baptist Campus Ministries at the University of Alabama, member of the Board of Directors of the Alabama Baptist Weekly Publication, and as President of the State of Alabama Education Music Association; and

WHEREAS, Reverend Carl P. Wells, Jr., is married to his supportive and loving wife, Eleanor, and they are the proud parents of two children, Lynn Holt and Steve Wells; and proud grandparents of five grandchildren; and

WHEREAS, Reverend Wells' dedication and service indeed go beyond the call of duty to step out and fulfill the mission of God's church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of his service as associate pastor of First Baptist Church, Tuscaloosa, Alabama, and in tribute to his many outstanding contributions of service, highest commendation is hereby accorded Reverend Carl P. Wells, Jr., for whom a copy of this resolution is presented with gratitude and praise.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 81, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 83. COMMENDING SAKS HIGH SCHOOL FOOTBALL TEAM ON ITS OUTSTANDING SEASON.

WHEREAS, the Saks High School Football Team advanced to the 1996 Class 5A State Championship with a spectacular 12-game winning streak, thus bringing immense happiness and pride to the local community and state and, in recognition thereof, the team members, the members of the coaching staff, and all of those individuals associated with the team are deserving of special public commendation; and

WHEREAS, Head Coach Bobby Joe Johnson, who is widely acknowledged as an outstanding high school coach, has devoted countless hours to training and emphasizing good sportsmanship to team members, and he is known for the positive impact that he has had upon young students under his tutelage; and

WHEREAS, the people of Calhoun County can be proud of athletic competitors of the caliber of the members of the Saks High School Football Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; and

WHEREAS, with every game played in the spirit and tradition of good sportsmanship and fair play, each member of the team is to be praised for his integral part in achieving this coveted goal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Saks High School Football Team on its phenomenal year, and do further resolve that a copy of this resolution be presented to Coach Johnson, for appropriate school display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 83, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 23. DESIGNATING THE TROOPER WILLIS V. MOORE HIGHWAY IN MADISON COUNTY.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 23.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 9. MOURNING THE DEATH OF FRANK ALBERT NIX OF BIRMINGHAM, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 9.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 78. CREATING THE JOINT INTERIM COMMITTEE ON BIRTH DEFECTS AND MONITORING.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created the Joint Interim Committee on Birth Defects Prevention and Monitoring consisting of four members of the House of Representatives and four members of the Senate appointed by the presiding officers. Additional members shall be one physician with expertise in the area of birth defects from the staff of the University of South Alabama College of Medicine to be appointed by the university president, one physician with expertise in the area of birth defects from the staff of the University of Alabama at Birmingham College of Medicine to be appointed by the university president, the Commissioner of the Department of Mental Health and Mental Retardation, the Chair of the Alabama Development Disabilities Council, and a representative of the ARC of Alabama. A chair and vice chair shall be elected from among the committee members at their first meeting.

The committee may conduct hearings throughout the state on birth defects monitoring and prevention. The goals of the committee shall include all of the following:

1. Identify current state resources to be used in the monitoring and prevention of birth defects.
2. Facilitate and encourage coordination of these resources among state agencies and institutions to include information sharing and encouraging joint projects.
3. Identify funding resources to aid in the fight against birth defects.
4. Identify the most cost-effective use of current federal, state, and local resources available to the prevention and monitoring of birth defects.
5. Identify the most effective method of monitoring birth defects statewide using existing local or regional pilot programs such as the one administered by the University of South Alabama College of Medicine, Medical Genetics Department.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the 10th legislative day of the 1998 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed ten thousand dollars (\$10,000).

The committee shall have subpoena power.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 78, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 9. Relating to child mortality; concerning efforts to identify deaths which may be from child abuse or neglect or other causes; relating to obtaining and maintaining statistics on child mortality within the state; providing services to surviving family members; developing and implementing measures to aid in reducing the risk and incidence of future child injury and death; establishing the State Child Death Review Team and local teams; establishing policies and procedures as are necessary for the operation of the State Child Death Review Team and the local teams; and making an appropriation from the State General Fund to the Alabama Department of Public Health in the amount of \$250,000 for the fiscal year ending September 30, 1997 and \$250,000 for the fiscal year ending September 30, 1998 to be used for the implementation of the provisions of this bill.

TOMMY CARTER
Chairman

And the bill, H. 9, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 4. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 43. REQUESTING A STATEMENT OF MISSIONS AND GOALS OF THE ALABAMA STATE DOCKS FOR FISCAL YEARS 1997 AND 1998.

Also:

H.J.R. 50. COMMENDING WILLIE ANDERSON ON HIS PROFESSIONAL ACCOMPLISHMENTS.

Also:

H.J.R. 61. COMMENDING THE MOUNTAIN BROOK SPARTANS AND HEAD FOOTBALL COACH JOEY JONES AND STAFF ON THEIR OUTSTANDING 1996 FOOTBALL SEASON.

Also:

H.J.R. 67. INVITING MISS AMERICA, TARA DAWN HOLLAND, TO ADDRESS THE ALABAMA LEGISLATURE.

Also:

H.J.R. 46. COMMENDING WILLARD ROGERS FOR HIS OUTSTANDING COMMUNITY ACHIEVEMENTS.

Also:

H.J.R. 48. DESIGNATING SHELTON STATE COMMUNITY COLLEGE AS THE STATE JUNIOR COLLEGE OF THE FINE ARTS.

Also:

H.J.R. 49. COMMENDING WAYNE GRIER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 66. HONORING THE GADSDEN ASSOCIATION OF LIFE UNDERWRITERS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 262. Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

H. 397. To amend Section 40-18-15, Code of Alabama 1975, relating to income taxes so as to allow individuals a deduction for certain tuition and required fees paid to institutions of higher learning.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Curry, Minnifield, Petelos and Houston:

H.J.R. 89. NAMING THE "U.S. STEEL PARKWAY" IN FAIRFIELD, ALABAMA.

The resolution, H.J.R. 89, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 90. CONGRATULATING M. C. AND MARTHA ANN BASKIN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 90, was read and referred to the Standing Committee on Rules.

Also:

By Representative Black (L):

H.J.R. 91. CONGRATULATING CLEVAN AND LAURENE C. TUCKER ON THE OCCASION OF THEIR 51ST WEDDING ANNIVERSARY.

The resolution, H.J.R. 91, was read and referred to the Standing Committee on Rules.

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Also:

By Representatives Layson and Allen:

H.J.R. 92. COMMENDING NEIL P. HYCHE ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS AND COMMUNITY LEADERSHIP.

The resolution, H.J.R. 92, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 93. COMMENDING JEFF CAMPBELL ON HIS INDUCTION INTO THE 1996 UNIVERSITY OF WEST ALABAMA ATHLETIC HALL OF FAME.

The resolution, H.J.R. 93, was read and referred to the Standing Committee on Rules.

Also:

By Representative Starkey:

H.J.R. 94. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996, AND INVITING HER TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

The resolution, H.J.R. 94, was read and referred to the Standing Committee on Rules.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrow:

H. 489. To amend Section 32-5-171 of the Code of Alabama 1975, relating to arrest without a warrant; to provide that a person involved in an accident may be arrested without a warrant for certain traffic violations.

COMMITTEE ON JUDICIARY

By Representative Dukes:

H. 490. To authorize counties and incorporated municipalities to enter into written contracts with each other to perform any services common to all

contracting entities; to establish the requirements for the contracts; to specify the contents of the contracts; to provide that the contracts may not authorize the joint exercise of the power to tax or to zone property except as specifically authorized by this act; and to provide that this act shall not affect any other laws which allow joint contracts between public entities.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Carothers and Johnson (R):

H. 491. To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations and contributions; to authorize the authority to make agreements with the United States of America and its agencies and department respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms as the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the Authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all

securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deed of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Carothers, Johnson (R), Guin, and Millican:

H. 492. To allow an active member of the Teachers' Retirement System to purchase up to two years credit in the system under certain conditions if the member agrees to leave his or her employment at the time of the purchase and defer receipt of retirement benefits until the member would have been eligible to retire without having purchased additional service credit under this act.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers, Drake, and Johnson (R):

H. 493. To amend Sections 23-2-141, 23-2-142, 23-2-143, 23-2-144, 23-2-145, 23-2-146, 23-2-147, 23-2-148, 23-2-149, 23-2-150, 23-2-151, 23-2-152, 23-2-155, 23-2-156, 23-2-160, and 23-2-161, Code of Alabama 1975, which sections relate to the construction, operation, and maintenance of toll road, bridge, and tunnel projects by the Alabama Toll Road, Bridge, and Tunnel Authority; to further provide for the creation of the authority as a public corporation; to further provide that the bonds issued by the authority may be payable from the state's share of the supplemental excise tax on gasoline that is distributed to the state pursuant to the provisions of Section 40-17-74.1, Code of Alabama 1975, only in the event that toll revenues of the authority are insufficient to pay debt service on bonds of the authority; to provide that all contracts for the construction of projects undertaken by the authority shall be let by competitive bid; to provide that the Department of Transportation shall have certain powers to act on behalf of the authority; to further provide with respect to bonds and contracts of the authority and to empower the authority to make and enforce all reasonable rules and regulations; to provide that all bonds and other obligations of the authority shall be exempt from all laws respecting usury and may be sold at public or private sale, and without a public hearing or consent by the Department of Finance or other state department or agency; to provide further for the refunding of bonds of the authority; to provide that no public hearing or consent by any department or agency of the state shall be prerequisite to the issuance of bonds by the authority; to appropriate to the authority all tolls collected by the authority and to authorize the authority to pledge that appropriation and the share of the state's supplemental excise tax on gasoline as secondary security for the payment of the bonds issued by the authority; to provide that neither the activities of the authority nor the levy, setting, or collection of tolls shall be subject to supervision by the Public Service Commission or any other commission or agency of the state; to create a special enterprise fund in the State Treasury into which all tolls and other

revenues of the authority shall be deposited and to provide further with respect to the fund; and to provide for the maintenance of authority projects by the Department of Transportation; to grant to the authority the power to license any individual, group of individuals, partnership, corporation, association, or any other legal entity, to acquire, construct, maintain, and operate toll projects; and to provide for certain requirements concerning private toll roads.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 494. To amend Section 36-26-36.1, Code of Alabama 1975, relating to the conversion of unused sick leave into membership service for purposes of retirement, to provide the option of having all unused sick leave credited toward membership service.

COMMITTEE ON WAYS AND MEANS

By Representative Millican:

H. 495. To provide for funding and payment of certain cost-of-living adjustments for retirees, surviving spouses, and designated beneficiaries of certain local units participating in the Employees' Retirement System.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican, Johnson (R), Dolbare, and Laird:

H. 496. To amend Section 36-26-35, Code of Alabama 1975, relating to the accrual of annual leave by state employees, to provide further for the leave accrued by law enforcement officers in the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 497. To amend Section 36-29-15, Code of Alabama 1975; to allow members of the Legislature, former members of the Legislature, the Lieutenant Governor, and their dependents to be eligible for coverage indefinitely under the state employees' health insurance plan.

COMMITTEE ON INSURANCE

By Representatives Penry, McMillan, Vance, and Jackson:

H. 498. To amend Section 16-36-22, Code of Alabama 1975, relating to the substitution of state prescribed textbooks.

COMMITTEE ON EDUCATION

By Representative Gaines:

H. 499. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act 96-341, S. 208, 1996 Regular Session (Acts 1996, p. 416), and by Act 96-705, S. 182, 1996 Regular Session (Acts 1996, p. 1176), relating to driving under the influence of alcohol; to provide that a person who has a conviction of driving a motor vehicle while under the influence of alcohol or a controlled substance shall upon being convicted for a subsequent offense of driving a motor vehicle while under the influence of alcohol or a controlled substance that occurred within a five-year period be subjected to enhanced punishment.

COMMITTEE ON JUDICIARY

By Representatives Gaines and Layson:

H. 500. Relating to the administration of the state child labor laws under Sections 25-8-32 to 25-8-61, inclusive, Code of Alabama 1975, by the Department of Industrial Relations; to transfer all duties and responsibilities for the administration of those laws to the Department of Labor and to create a Child Labor Division for that purpose; to transfer that portion of the annual appropriations, personnel, property, equipment, and supplies of the State Program Division of the Department of Industrial Relations which administers those laws to the Child Labor Division of the Department of Labor; and to provide that this act becomes operative on October 1, 1997.

COMMITTEE ON STATE ADMINISTRATION

By Representative Gaines:

H. 501. To establish the Constitutional Defense Council; to establish a revolving fund; and to make an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaines, Hill, and Morrow:

H. 502. To exempt canned computer hardware, software, and firmware from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Gaines, Wren, Sims, Sanderson, and Morrow:

H. 503. To amend Section 13A-12-213 of the Code of Alabama 1975, to provide that the crime of unlawful possession of marihuana in the first degree include the possession of marihuana for personal use if the defendant has a prior conviction of any controlled substance crime.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 504. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a Lottery Commission; to provide for the disposition of net revenues and establish certain trust funds; to permit reciprocal agreements with other states.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Rogers (J):

H. 505. To amend Section 17-7-5.1, Code of Alabama 1975, to provide that any person standing in line at the time a polling place closes would be entitled to vote.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Rogers (J):

H. 506. To exempt the City Stages, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 507. To authorize certain municipalities to employ police officers and firefighters without certification by any applicable civil service system or merit system.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Rogers (J):

H. 508. To exempt the Birmingham Broadway Series from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 509. To require a consumer credit reporting agency to remove certain information from the consumer credit report within a certain period of time.

COMMITTEE ON BANKING

By Representative Rogers (J):

H. 510. To provide tax exemptions for certain nonprofit corporations; to authorize leases of public property to, and appropriations of public funds for, those nonprofit corporations; and to provide for certification of eligibility of nonprofit corporations by the Department of Revenue.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 511. Relating to state funds appropriated for substance abuse treatment; establishing an Office of Substance Abuse Treatment Allocation within the State Department of Public Health to distribute those funds.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 512. Relating to drug abuse and alcoholism prevention and treatment; to establish a Committee on Drug Abuse and Alcoholism; to develop a comprehensive drug abuse and alcoholism plan; to establish a Drug Abuse and Alcoholism Division within the Department of Mental Health and Mental Retardation; and provide for additional funding of the division, and for certain drug abuse residential facilities.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 513. To amend Section 40-23-4, Code of Alabama 1975, as amended by Act 96-544, 1996 Regular Session, relating to an exemption from the state sales tax of the gross proceeds of sales of admissions to theatrical, ballet, opera, and symphonic productions or other orchestral concerts presented by certain organizations, to exempt from the state sales tax the gross proceeds from sales of admissions to theatrical productions, symphonic or other orchestral concerts, ballets, or opera productions when the concerts or productions are presented by not-for-profit corporation or other entity organized under Alabama law.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J):

H. 514. To permit the sampling of beer in certain closed function, industry-related trade expositions, and to allow limited sampling of beer at such functions.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representatives Morrison, Drake, and Hooper:

H. 515. To make a supplemental appropriation in the amount of \$1,500,000 from the State General Fund in the State Treasury to the Agricultural and Conservation Development Commission for approved dead animal and animal waste disposal for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representatives Morrison, Drake, and Hooper:

H. 516. To make an appropriation in the amount of \$1,500,000 from the State General Fund in the State Treasury to the Agricultural and Conservation Development Commission for approved dead animal and animal waste disposal for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 517. To exempt the Alabama High School Athletic Association from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Galliher, Lindsey, Black (M), Ford, Johnson (R), Millican, Laird, Holmes, and Murphree:

H. 518. To limit campaign contributions by political committees to candidates for statewide office; and to prescribe penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Venable:

H. 519. To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Galliher, Millican, Smith, Guin, Murphree, Fuller, and Hill:

H. 520. Establishing the Consent for Abortion Act; prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; amending Section 26-21-3, Code of Alabama 1975, to require the signature of a parent, legal guardian, or adoptive parent of a minor to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to require certain documents proving that a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person from coercing a minor to have an abortion performed; to provide that the State Department of Public Health develop appropriate forms for the consent and emancipation; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; requiring that only a physician may perform abortions; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

COMMITTEE ON PUBLIC WELFARE

By Representatives Carns, Payne, Townsend, Sanderson, Allen, Haney, Hinshaw, Hawkins, Petelos, Curry, Thomas (D), Gaines, Hill, Morton, Seibenhener, Jorgensen, McMillan, Gipson, Hooper, Flowers, Laird, Moore, Clouse, Wren, Johnson (R), Carothers, Dean, Gaston, Penry, Vance, McKee, Willis, and Sims:

H. 521. To require the Alabama Department of Transportation to use the English system of measurement for all measurement purposes.

COMMITTEE ON WAYS AND MEANS

By Representative Rogers (J) (With Notice and Proof):

H. 522. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 522, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Sanderson:

H. 523. To establish the "Health Planning Information Act"; to provide for mandatory hospital and physician data collections; to provide for the Alabama Department of Public Health as the designated agency to compile and analyze the collected data; to provide for the manner of collection of the collected data, the utilization, disclosure, funding, and dissemination of the collected data and information; to provide for an advisory council and powers of the council; to provide for the submission of the data; to provide certain fees; and to provide that this act shall not apply to surgical procedures performed in the office of a physician.

COMMITTEE ON HEALTH

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 18, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 19, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 87, was adopted.

Yeas 21; Nays 0.

Yea:

Mr. Speaker, Carothers, Dean, Flowers, Gaston, Hammett, Johnson (R), Jorgensen, Millican, Morton, Murphree, Parker (P), Payne, Perdue, Sanderson, Sims, Smith, Townsend, Turner, Turnham and Venable.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 87. Relating to Marion County; to amend Section 4 of Act No. 80-128, 1989 Regular Session, as amended by Act No. 91-453, 1991 Regular Session, to provide further for the disposition of the proceeds from the sale of county property.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Buskey, Carothers, Clouse, Dolbare, Hammett, Hayden, Hinshaw, Holmes, Houston, Johnson (R), Jorgensen, Lindsey, McAdory, Millican, Minnifield, Mitchell, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Sanderson, Sims, Smith, Thomas (J), Townsend, Turnham, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 242, was adopted.

Yeas 41; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Clouse, Collins, Curry, Drake, Graham, Hammett, Hayden, Hill, Hilliard, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Lindsey, McAdory, Millican, Minnifield, Morton, Murphree, Papucci, Parker (P), Payne, Perdue, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 242. Relating to Marion County; to repeal Act No. 82-245, 1982 Regular Session, which provides for a fund in the county treasury to pay bounties for trapping beaver.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 47; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Curry, Gaines, Graham, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Lindsey, McAdory, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Perdue, Petelos, Sanderson, Sims, Smith, Spratt, Townsend, Turner, Turnham, Venable, Warren and Willis.

-47

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 249, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 147, was adopted.

Yeas 62; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Hammett, Hawkins, Hayden, Hill, Hinshaw, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Lindsey, McAdory, McDaniel, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Starkey, Townsend, Turnham, Vance, Venable, Warren and Willis.

-62

And the bill:

H. 147. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

was read a third time at length and lost, lacking a three-fifths vote of all members elected to the House as required by the Constitution.

Yeas 34; Nays 4.

Yea:

Representatives Baker, Bandy, Black (L), Carothers, Clouse, Curry, Dukes, Flowers, Gaines, Gipson, Graham, Hammett, Hayden, Hill, Hogan, Jackson, Johnson (R), McKee, McMillan, Morton, Newton (C), Parker (T), Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Turnham, Vance, Venable, Willis and Wren.

-34

Nay:

Representatives Drake, Rogers (J), Starkey and Turner.

- 4

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 18, was adopted.

Yeas 51; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Hall (A), Hammett, Hill, Hilliard, Hinshaw, Hogan, Johnson (R), Jorgensen, Lindsey, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Turner, Turnham, Venable and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Carothers, Carter, Clouse, Collins, Curry, Drake, Dukes, Flowers, Gaines, Gipson, Graham, Hall (A), Hammett, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-65

CO-SPONSOR ADDED

Representative Drake was added as co-sponsor to the bill, H. 18.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 19, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-63

And the bill:

H. 19. Relating to Cullman County; to amend Section 4 of Act No. 85-128, 1985 Regular Session, to waive the mailout fee on motor vehicle license tags for motor vehicle owners who are handicapped or disabled or who are 65 years of age or older.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clouse, Curry, Dean, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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H. 44 TAKEN UP

And the bill:

H. 44. Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

as amended on the third legislative day was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-84

Nay:

Representative Payne.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 249, which was previously temporarily carried over was adopted.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carter, Collins, Curry, Dean, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Holmes, Hooper, Jorgensen, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Mitchell, Morrow, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-58

And the bill:

H. 249. Relating to Walker County; to amend Section 1 of Act No. 79-658, H. 997 of the 1979 Regular Session (Acts 1979, p. 1140), increasing the term of office of the revenue commissioner.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 67; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Carns, Carothers, Carter, Clouse, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (M), Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 186, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 53, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 54, were temporarily carried over due to absence of the sponsor.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 69, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Vance, Venable, Willis and Wren.

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And the bill:

H. 69. Relating to the allocation of volumes of the acts and resolutions of each legislative session; to amend Section 36-14-11 of the Code of Alabama 1975; to adjust the allocation; and to permit a recipient upon written request to reduce or refuse a specified allocation.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee,

McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 68, were temporarily carried over at the request of Representative Laird.

H. 406 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 406, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Local Legislation No. 1.

H. 184 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 184, from the Standing Committee on Local Legislation No. 2 to the Standing Committee on Commerce, Transportation and Utilities.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Sanderson:

H.R. 95. COMMENDING THE FOURTH AND FIFTH GRADE STUDENTS AT CHEROKEE BEND ELEMENTARY SCHOOL FOR OUTSTANDING ACADEMIC ACHIEVEMENTS.

Also:

By Representative Hammett:

H.R. 96. RECOGNIZING CARTER, DARNELL, AND GRUBBS ENGINEERS, INC., ON ITS 50TH ANNIVERSARY.

Also:

By Representative Hammett:

H.R. 97. HONORING CATHERINE EDMONDS UPON HER OUTSTANDING PROFESSIONAL SERVICE.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 9. MOURNING THE DEATH OF FRANK ALBERT NIX OF BIRMINGHAM, ALABAMA.

Also:

S.J.R. 23. DESIGNATING THE TROOPER WILLIS V. MOORE HIGHWAY IN MADISON COUNTY.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

BILLS ON THIRD READING RESUMED

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Layson to indefinitely postpone the Budget Isolation Resolution and the bill, H. 160, was lost.

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Yeas 35; Nays 50.

Yea:

Representatives Burke, Carns, Clouse, Collins, Crigler, Drake, Dukes, Gaines, Hamilton, Haney, Hawkins, Hill, Hogan, Johnson (R), Laird, Layson, McDaniel, McKee, Millican, Murphree, Parker (T), Payne, Penry, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Curry, Dean, Flowers, Ford, Galliher, Gaston, Graham, Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Morrow, Morton, Newton (D), Page, Papucci, Parker (P), Perdue, Petelos, Pringle, Reed, Rogers (J), Spratt, Thomas (J) and Turner.

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BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Buskey to adopt the Budget Isolation Resolution relating to the bill, H. 160, was lost, lacking a three-fifths vote.

Yeas 52; Nays 35.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Dean, Flowers, Ford, Galliher, Gaston, Graham, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Morrow, Newton (D), Page, Papucci, Parker (P), Perdue, Pringle, Reed, Robinson, Rogers (J), Spratt, Thomas (J) and Turner.

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Nay:

Representatives Allen, Carns, Clouse, Collins, Crigler, Drake, Dukes, Gaines, Hamilton, Haney, Hawkins, Hill, Johnson (R), Laird, Layson, McDaniel, McKee, Millican, Morton, Murphree, Parker (T), Payne, Penry, Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 53, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

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And the bill:

H. 53. To adopt and incorporate into the Code of Alabama 1975 those general and permanent laws of the state enacted during the 1996 First Special Session and the 1996 Regular Session of the Legislature as contained in the 1996 Cumulative Supplement to certain volumes of the Code and in the 1996 Replacement Volume 4 of the Code; to make corrections in certain volumes of the cumulative supplement; to specify that this adoption and incorporation constitute a continuous systematic codification of the entire Code of Alabama 1975 and that this act is a law that adopts a code; to declare that the Code Publisher has certified it has discharged its duties regarding the replacement volume; to expressly provide that this act does not affect any 1996 Second Special Session statute or any 1997 statute; and to specify the duties of the Secretary of State regarding the custody of these cumulative supplements and replacement volumes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Hall (A), Hall (L),

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Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

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Nay:

Representative Rogers (J).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 63. CONGRATULATING DAN AND BETTY MCENTYRE ON THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 72. COMMENDING KENNETH R. MCCARTHA ON HIS DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 73. NAMING ACT 96-474 RELATING TO ANATOMICAL GIFTS THE "BOBBIE MCDOWELL GIFT OF LIFE ACT."

Also:

H.J.R. 75. COMMENDING MRS. MYRTLE EDGEWORTH HARDING ON HER 104TH BIRTHDAY.

Also:

H.J.R. 77. COMMENDING JOHN DOUGLAS CHAMBERS ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 79. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

Also:

H.J.R. 81. COMMENDING REVEREND CARL P. WELLS, JR., ON HIS DISTINGUISHED MINISTRY.

Also:

H.J.R. 83. COMMENDING SAKS HIGH SCHOOL FOOTBALL TEAM ON ITS OUTSTANDING SEASON.

McDOWELL LEE
Secretary

BILLS ON THIRD READING RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 54, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable and Willis.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Morrison intended to vote "Nay" on the motion offered by Representative Buskey to adopt the Budget Isolation Resolution relating to the bill, H. 160.

H. 54 TAKEN UP

And the bill:

H. 54. Requiring the Code Commissioner to have acts of the Legislature and the Code of Alabama 1975 copyrighted; permitting state agencies to purchase the code and abolishing portions of the present distribution system; providing that the contract for the publishing and selling of the Code of Alabama 1975 shall not be subject to laws regarding competitive bidding contracts; providing for the determination of the price the publisher will charge for the sale of the code; providing for maintenance of distribution records, ownership, judicial action for the value of misappropriated codes, and appropriations; permitting the Code Commissioner, upon a determination by the Legislative Council, to contract for the publishing of compilations of portions of the code regarding a specific state agency; repealing provisions regarding lost or destroyed copies and distribution; amending Sections 36-13-5, 41-21-1, 41-21-4, 41-21-5, 41-21-6, 41-21-7, and 41-21-8, Code of Alabama 1975; repealing Sections 41-21-2 and 41-21-3, Code of Alabama 1975; and providing a prospective effective date for certain sections of the act.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Laird offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 68, which was previously temporarily carried over.

MOTION TO ADJOURN LOST

The motion offered by Representative Payne that the House adjourn until 1:00 o'clock p.m., Tuesday, February 18, 1997, was lost.

Yeas 28; Nays 43.

Yea:

Representatives Burke, Carns, Curry, Dolbare, Drake, Galliher, Hayden, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Maul, McAdory, Millican, Morton, Murphree, Newton (C), Parker (T), Payne, Seibenhener, Sims, Starkey, Townsend, Turner, Vance and Venable.

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Nay:

Mr. Speaker, Baker, Black (M), Box, Boyd, Buskey, Carothers, Carter, Clouse, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hilliard, Hinshaw, Johnson (E), Laird, Lindsey, McDaniel, McMillan, Melton, Mitchell, Moore, Morrow, Newton (D), Page, Papucci, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Spratt, Thomas (D), Thomas (J) and Wren.

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BILLS ON THIRD READING RESUMED

The question was then on the motion offered by Representative Laird to adopt the Budget Isolation Resolution relating to the bill, H. 68.

MOTION TO ADJOURN LOST

The motion offered by Representative Dolbare that the House adjourn until 1:00 o'clock p.m., Tuesday, February 18, 1997, was lost.

Yeas 35; Nays 37.

Yea:

Representatives Black (L), Burke, Carothers, Curry, Dolbare, Drake, Hayden, Hogan, Houston, Jackson, Johnson (R), Jorgensen, McAdory, McKee, Millican, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Starkey, Townsend, Turner, Vance, Venable and Willis.

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Nay:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carter, Clark (W), Clouse, Crigler, Dean, Ford, Gaines, Gaston, Gipson, Hall (A), Hamilton, Hammett, Hill, Hilliard, Johnson (E), Laird, Layson, Lindsey, McDaniel, McMillan, Melton, Mitchell, Moore, Papucci, Pringle, Rogers (M), Spratt, Thomas (D), Thomas (J) and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 44. Relating to subordinate officers and employees of the Legislature; providing for the election, appointment, number, duties, powers, compensation, classification, and supervision of these officers and employees; providing that the Offices of the Lieutenant Governor and the Speaker of the House of Representatives are distinct and specifying the powers of the Lieutenant Governor and the Speaker in the operation of their offices; amending Sections 29-1-9, 29-1-12, 29-2-22, 29-2-41, and 29-2-62 of the Code of Alabama 1975; repealing Chapter 4 of Title 29 of the Code of Alabama 1975 and adding a new chapter in lieu thereof relating to subordinate officers and employees of the Legislature; repealing Sections 29-2-7, 29-2-21, and 29-2-53 of the Code of Alabama 1975; and providing for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 44, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED

The question was then on the motion offered by Representative Laird to adopt the Budget Isolation Resolution relating to the bill, H. 68.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Windom, Myers, and Lipscomb (With Notice and Proof):

S. 82. Relating to Mobile County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Mobile County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 82, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 82. Local Legislation No. 3.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

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By Senators Figures, Amari, Denton, Windom, Mitchell, Butler, Roberts, Ghee, Sanders, Steele, Bedford, Little, Escott-Russell, Lindsey, Mitchem, Dial, Biddle, Waggoner, Myers, Langford, Armistead, Clay, Davidson, McClain, Dixon, Smith, Hale, Smitherman, Bailey, Poole, Freeman, Hill, Adams, and Barron:

S. 295. Relating to the Children First Program; to establish the Children First Trust Fund within the State Treasury; to provide for the management and administration of the fund by the Alabama Juvenile Justice Coordinating Council; to continuously appropriate the fund for allocations to the Department of Youth Services, the State Board of Education, the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Administrative Office of Courts, the State Multiple Needs Children's Fund, the Children's Trust Fund, and the Department of Public Health for prevention, treatment, education, rehabilitation, and punishment programs for children; and to provide for oversight by the Permanent Joint Legislative Oversight Committee of the Children First Trust Fund.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 295. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Davidson:

S.J.R. 26. NAMING THE HUEYTOWN HIGH SCHOOL SOFTBALL FIELD IN HONOR OF NATALIE MARIE BUNN.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 26, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Davidson:

S.J.R. 27. NAMING AND DESIGNATING THE GLEN R. CLEM MEMORIAL GYMNASIUM AT UAB WALKER COLLEGE, JASPER, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 27, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 29. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 29, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 30. MOURNING THE DEATH OF SYLVESTER JONES OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 30, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Parker (T) and Melton:

H.J.R. 98. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

The resolution, H.J.R. 98, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 99. NAMING A PORTION OF U.S. HIGHWAY 43, THE "A. W. TODD HIGHWAY."

The resolution, H.J.R. 99, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hayden and Melton:

H.J.R. 100. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

The resolution, H.J.R. 100, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Parker (T) and Melton:

H.R. 101. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

Also:

By Representative Hammett:

H.R. 102. MOURNING THE DEATH OF BETTY WILLIAMS OF ANDALUSIA, ALABAMA.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

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Delivered to the Governor at 10:30 a.m. on February 13, 1997.

H.J.R. 4

H.J.R. 46

H.J.R. 43

H.J.R. 48

H.J.R. 50

H.J.R. 49

H.J.R. 61

H.J.R. 66

H.J.R. 67

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Holmes, the House adjourned until 1:00 o'clock p.m., Tuesday, February 18, 1997.

Yeas 41; Nays 36.

Yea:

Representatives Bandy, Black (L), Carns, Carothers, Curry, Dolbare, Drake, Hawkins, Hayden, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Maull, McAdory, McClammy, McKee, Millican, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Penry, Reed, Rogers (J), Sims, Smith, Starkey, Thomas (J), Townsend, Vance, Venable, Willis and Wren.

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Nay:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Carter, Clark (W), Clouse, Crigler, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hammett, Haney, Hill, Hilliard, Hinshaw, Laird, Lindsey, McDaniel, McMillan, Mitchell, Morrow, Page, Papucci, Pringle, Rogers (M), Sanderford, Spratt, Thomas (D) and Turnham.

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FIFTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 18, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Dr. Don Carroll, Calhoun Baptist Association, Anniston, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Page Rose and Emily Hall, 12th Grade, West Limestone High School, Athens, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fourth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fourth legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Hill, leave of absence was granted for Representative Knight (A).

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Guin.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:30 o'clock a.m. on Thursday, February 20, 1997, for the purpose of a Joint Session and at 10:00 o'clock a.m. for the House Session, and the motion was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 63. CONGRATULATING DAN AND BETTY MCENTYRE ON THEIR 50TH WEDDING ANNIVERSARY.

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Also:

H.J.R. 72. COMMENDING KENNETH R. MCCARTHA ON HIS DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

Also:

H.J.R. 73. NAMING ACT 96-474 RELATING TO ANATOMICAL GIFTS THE "BOBBIE MCDOWELL GIFT OF LIFE ACT."

Also:

H.J.R. 75. COMMENDING MRS. MYRTLE EDGEWORTH HARDING ON HER 104TH BIRTHDAY.

Also:

H.J.R. 77. COMMENDING JOHN DOUGLAS CHAMBERS ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 79. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

Also:

H.J.R. 81. COMMENDING REVEREND CARL P. WELLS, JR., ON HIS DISTINGUISHED MINISTRY.

Also:

H.J.R. 83. COMMENDING SAKS HIGH SCHOOL FOOTBALL TEAM ON ITS OUTSTANDING SEASON.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 5. COMMENDING CHRISTOPHER DEREK SCOTT ON OBTAINING THE RANK OF EAGLE SCOUT.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 5.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 6. DESIGNATING 1998 AS THE YEAR OF THE AMERICAN INDIAN IN ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 6.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 7. COMMENDING DEIDRA HAM OF FAYETTE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 7.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 12. COMMENDING GLENDA OGLETREE OF HELENA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 12.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 13. MOURNING THE DEATH OF DR. BENJAMIN FRANKLIN THOMAS, JR., OF AUBURN, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 13.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 14. COMMENDING JAMES RHODES OF CAMP HILL, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 14.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 15. COMMENDING JUDGE JOHN PATTERSON FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 15.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 16. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 16.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 17. HONORING DR. GEORGE WASHINGTON CARVER OF TUSKEGEE, ALABAMA, AND DESIGNATING JANUARY 5 AS DR. GEORGE WASHINGTON CARVER DAY.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 17.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 18. COMMENDING FRED C. CRAWFORD AS THE RECIPIENT OF THE UNIVERSITY OF MONTEVALLO NATIONAL ALUMNI ASSOCIATION'S 1996-97 LOYAL ALUMNUS AWARD.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 18.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 19. DESIGNATING FEBRUARY 19 AS THE 1997 AGRIBUSINESS DAY IN ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 19.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 20. MOURNING THE DEATH OF CURTIS BOYD WILLIAMS, SR., OF BLOUNTSVILLE, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 20.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 22. COMMENDING MAYOR QUITMAN J. MITCHELL OF BESSEMER, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 22.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 26. NAMING THE HUEYTOWN HIGH SCHOOL SOFTBALL FIELD IN HONOR OF NATALIE MARIE BUNN.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 26.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 29. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 29.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 30. MOURNING THE DEATH OF SYLVESTER JONES OF BIRMINGHAM, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 30.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 76. COMMENDING CLYNEICE LEDBETTER ON HER PROFESSIONAL ACCOMPLISHMENTS.

WHEREAS, Clyneice Ledbetter, a devoted resident of Franklin County, has contributed extensively to the citizens of her community through her many activities and, as a tribute to her exemplary record of professional and community service, she is deserving of special public commendation; and

WHEREAS, married to Robert Hilton Ledbetter, Jr., for 50 years, Mrs. Ledbetter is the mother of four children, and has eight grandchildren, and one great grandson; and

WHEREAS, Mrs. Ledbetter exemplified the highest standards of professionalism as a nurse's aide at Red Bay Hospital, and is an active member of Burlson Baptist Church where she serves as a symbol of strength and inspiration; and

WHEREAS, she also has been especially significant in her efforts as a member of the Red Bay Civitans, as president of the Ladies Auxiliary of the American Legion, Marion Self Post 120, and served as the Grand Marshall for the Founders Day Celebration of Red Bay in 1996; and

WHEREAS, a dedicated and conscientious Mary Kay Consultant, Mrs. Ledbetter, who began her career with a \$600 wholesale order and an \$85 showcase in 1979, is held in high esteem for her contributions to the success of Mary Kay products; and

WHEREAS, noted among her many professional accomplishments are the countless awards she has received as a Consultant, and was Queen of Personal Sales as a consultant in her seminar year, 1982, and in the Queens Court of Personal Sales each year, as well as a Star Consultant for every quarter for 17 1/2 years; and

WHEREAS, she recruited 24 women in one year, and has won such outstanding prizes as four Pontiac Grand Ams, five mink coats, diamond rings and necklaces, and ten diamond Bee pins, among others; and

WHEREAS, Mrs. Ledbetter achieved a Mary Kay directorship in March 1983; was Queen of Director Personal Sales in Ruby seminar years including 1993, 1994, 1995, and 1996; and achieved a number of Special Royal Reception invitations to the home of Mary Kay Ash for tea; and

WHEREAS, she was nominated by a sister director, voted on by directors and consultants, and went before a board committee at company headquarters as a nominee for 1991 Miss Go Give for the month of May, and was elected for this prestigious honor; and

WHEREAS, Clyneice Ledbetter has created and maintained an excellent entrepreneurial business, as well as instilled a great sense of pride in other individuals associated with the company; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievements, Mrs. Ledbetter is highly commended on her outstanding success and, by copy of this resolution, extended sincere best wishes for continued success in future endeavors.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 76, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 90. CONGRATULATING M. C. AND MARTHA ANN BASKIN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the 50th Wedding Anniversary of M. C. and Martha Ann Baskin, the former Martha Ann Dubose, of Cuba, Alabama; and

WHEREAS, the 50th Wedding Anniversary celebration of this momentous occasion took place at Grants Chapel C. M. E. Church on Saturday, November 16, 1996, where family and friends gathered to congratulate Mr. and Mrs. Baskin; and

WHEREAS, not only are Mr. and Mrs. Baskin to be congratulated on this milestone in their long and happy marriage, but also upon the character and accomplishments of their lives together; and

WHEREAS, their union has been enhanced by fourteen children, James C. and Earnest Baskin, Bessie Mae Barbar, Ella Mae Williams, Mary, Martha Mae, Evelyn and Stella Baskin, and six children who are deceased; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate this exemplary couple on their 50th Wedding Anniversary, and do further direct that the Baskins receive a copy of this resolution, executed in highest personal regard and with sincere best wishes for many more happy years together.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 90, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 91. CONGRATULATING CLEVAN AND LAURENE C. TUCKER ON THE OCCASION OF THEIR 51ST WEDDING ANNIVERSARY.

WHEREAS, the strength of our nation depends on the vitality of its families, and Clevan and Laurene C. Tucker of York, Alabama, are celebrating 51 years of marriage and are deserving of our warm best wishes and heartiest congratulations; and

WHEREAS, their commitment to the ideals of marriage has enriched their lives and inspired those who have witnessed their devotion; and

WHEREAS, Mr. and Mrs. Tucker have distinguished themselves as highly regarded and admired members of their community, and in addition to contributing as responsible and concerned residents, they have set an outstanding example of a joyous and lasting marital partnership; and

WHEREAS, their union has been enhanced by four loving children, Mrs. Gloria Jean Jackson, Mrs. Harold Tucker, Ms. Carlene Tucker, and Mr. Clevan Tucker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Clevan and Laurene C. Tucker are congratulated upon the occasion of their 51st Wedding Anniversary, as well as upon the character and accomplishments of their lives together.

BE IT FURTHER RESOLVED, That they receive a copy of this resolution extended in admiration of this special occasion.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 91, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 92. COMMENDING NEIL P. HYCHE ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS AND COMMUNITY LEADERSHIP.

WHEREAS, highest commendation is hereby accorded Neil P. Hyche of Northport, Alabama, for his outstanding professional contributions and achievements as a former superintendent of the Tuscaloosa County School System for eight years and as an outstanding educator for 34 years until his retirement in January 1994; and

WHEREAS, Mr. Hyche received his Bachelor of Science Degree in Secondary Education, Master of Arts Degree in Elementary Education, A.A. Certification in School Administration, and Ed.D. in Elementary Education and School Administration from the University of Alabama; and

WHEREAS, he worked tirelessly in all phases of church activities at Northport Baptist Church and served his country with honor and patriotism in the United States Army; and

WHEREAS, a well-known master motivator, Mr. Hyche displayed further dedication to his profession through memberships in Phi Delta Kappa, Kappa Delta Pi, and the American Association of School Administrators; and

WHEREAS, an exemplar of a caring educator who is entirely devoted to the betterment of his profession, Mr. Hyche was selected Who's Who in School Administration, and received the Phi Delta Kappa Educational Honorary Fraternity Professional Educator of the Year Award and the Mollie Allen Childrens/Advocate Award by the Tuscaloosa County Council of TTA; and

WHEREAS, Mr. Hyche continued his high level of professional involvement with Friends of Historic Northport and the Tuscaloosa County High School Alumni Association, and as a member of the Board of Directors with Southtrust Bank of Northport; and

WHEREAS, Neil P. Hyche and his loving and supportive wife, Johnie Crosson, are the proud parents of Jeffrey Neil and David Patrick; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Hyche is recognized as an outstanding educator whose lengthy association with the Tuscaloosa County School System has greatly influenced the many young men and women who were privileged to his tutelage, counsel, and guidance over the course of his accomplished career.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Neil P. Hyche with our sincere praise and warmest personal regard.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 92, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 93. COMMENDING JEFF CAMPBELL ON HIS INDUCTION INTO THE 1996 UNIVERSITY OF WEST ALABAMA ATHLETIC HALL OF FAME.

WHEREAS, it is with great pleasure that the Alabama Legislature notes the induction of Jeff Campbell of Gordo, Alabama, as a member of the 15th class of inductees into the University of West Alabama Athletic Hall of Fame on October 19, 1996, at the university's Y-Hall; and

WHEREAS, Jeff Campbell, a native of Gordo, was a four-year letterman on the university's Tiger baseball team from 1964 to 1967, and played a central role in leading the Tigers to four straight Alabama Collegiate Conference Championships; he also was the winning pitcher when the Tigers downed the University of Alabama 7-2 for West Alabama's first win over a Division I school; and

WHEREAS, he is credited with four no-hitters during his career, and finished his career with an impressive 28-4 record on the mound; he was later drafted by the San Francisco Giants in 1967, and played seven years of professional baseball; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding career achievement, and on the occasion of his induction into the 1996 West Alabama Athletic Hall of Fame, we hereby most highly commend Jeff Campbell, a native Alabamian in whom we are justly proud, and for whom a copy of this resolution shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 93, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 98. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

WHEREAS, the retirement of Dr. Cordell Wynn, effective June 30, 1997, brings to a close a long and distinguished career of dedicated service to Stillman College since January 1, 1982; and

WHEREAS, over Dr. Wynn's administration as president, spanning some 15 years, Stillman College has reached extraordinary levels of accomplishment and success; under his dynamic leadership and guidance, college endowment increased from \$2 million to \$20 million and the college budget from \$5.3 million to \$14.2 million; faculty nearly doubled and student enrollment increased from 523 to 1,014; additionally, a student development and health center and women's residence hall were constructed and all residence halls were renovated; and

WHEREAS, beyond his responsibilities as president, Dr. Wynn currently serves as chair-elect of the Chamber of Commerce of West Alabama; as a member of the President's Commission of the National Collegiate Athletic Association; moderator of the Presbyterian Church (U.S.A.)'s African-American Task Force on Christian Education; and as a member of the University of Alabama System Board of Trustees and the Board of Directors of the American Council on Education; and

WHEREAS, a native of Eatonton, Georgia, and a veteran of the United States Armed Forces, Dr. Wynn earned an A.A. degree at Boston University, a B.S. degree from The Fort Valley State College, M.Ed. degree from South Carolina State College, a professional diploma from Teachers College, and Ed.S. and Ph.D. degrees from the University of Georgia, where in 1980 he received the "Outstanding Alumnus Award"; and

WHEREAS, he is married to the former Marie Lundy of Macon, Georgia, and is the devoted father of three daughters, and the proud grandfather of five grandchildren; and

WHEREAS, indeed, Dr. Cordell Wynn, as president of Stillman College, has served with great distinction, leading the College to unprecedented heights of achievement, and it is with deep gratitude that we commend his service and sincerely wish him well in all future endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service to Stillman College and higher education, we hereby most highly commend Dr. Cordell Wynn, an individual whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 98, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 100. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

WHEREAS, the retirement of Dr. Cordell Wynn, effective June 30, 1997, brings to a close a long and distinguished career of dedicated service to Stillman College since January 1, 1982; and

WHEREAS, over Dr. Wynn's administration as president, spanning some 15 years, Stillman College has reached extraordinary levels of accomplishment and success; under his dynamic leadership and guidance, college endowment increased from \$2 million to \$20 million and the college budget from \$5.3 million to \$14.2 million; faculty nearly doubled and student enrollment increased from 523 to 1,014; additionally, a student development and health center and women's residence hall were constructed and all residence halls were renovated; and

WHEREAS, further to his credit, curriculum was strengthened through exchange and cooperative programs with other universities and colleges; the Stillman Management Institute and the Stillman Community Service Center were established; a "Marshall Plan" was developed to revitalize Tuscaloosa's western section; and the street which runs in front of the college was renamed Stillman Boulevard; and

WHEREAS, beyond his responsibilities as president of Stillman College, Dr. Wynn has played a prominent leadership role in areas of great import and significance on regional, state, and national levels, serving at least four Presidents on national committees dealing with issues on education; by appointment on the U. S. Department of Education's Historically Black Colleges and Universities Capital Financing Advisory Board; and as chair of the National Association for Equal Opportunity in Higher Education and chair of the presidents of The College Fund/UNCF, two of the primary African-American educational organizations in the world; and

WHEREAS, he also currently serves as chair-elect of the Chamber of Commerce of West Alabama; as a member of the President's Commission of the National Collegiate Athletic Association; moderator of the Presbyterian Church (U.S.A.)'s African-American Task Force on Christian Education; and as a member of the University of Alabama System Board of Trustees and the Board of Directors of the American Council on Education; and

WHEREAS, a native of Eatonton, Georgia, and a veteran of the United States Armed Forces, Dr. Wynn earned an A.A. degree at Boston University, a B.S. degree from The Fort Valley State College, M.Ed. degree from South Carolina State College, a professional diploma from Teachers College, Ed.S. and Ph.D. degrees from the University of Georgia, and pursued post-doctoral studies at the University of Arizona, Boston University, and the National Science Foundation Institutes in mathematics and chemistry at Mercer and Atlanta Universities; and

WHEREAS, prior to the presidency at Stillman College, he served as dean and professor of the School of Education at Alabama A&M University and was earlier associated with Alabama State University, the Bibb County School System in Macon, Georgia, the University of Minnesota, the University of Georgia, The Fort Valley State College, and Georgia College; and has experience as a classroom teacher, guidance counselor, principal, and director of various educational programs; and

WHEREAS, Dr. Wynn is married to the former Marie Lundy of Macon, Georgia, and is the devoted father of three daughters, and the proud grandfather of five grandchildren; and

WHEREAS, indeed, Dr. Cordell Wynn, as president of Stillman College, has served with great distinction, leading the College to unprecedented heights of achievement, and it is with deep gratitude that we commend his service and sincerely wish him well in all future endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service to Stillman College and higher education, we hereby most highly commend Dr. Cordell Wynn, an individual whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided to Stillman College for appropriate school display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 100, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 89. NAMING THE "U.S. STEEL PARKWAY" IN FAIRFIELD, ALABAMA.

WHEREAS, the industrial revolution began in Alabama with the development of steel production in the Fairfield area of Jefferson County; and

WHEREAS, facilities originally founded by the Tennessee Coal and Iron Company later became the Fairfield Works of the U.S. Steel Corporation; and

WHEREAS, Jefferson County is unique among all counties in the United States in that it contains all the necessary elements of the steel production industry, from mineral ore, to furnace and production facilities, to shipping facilities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the contributions of Fairfield and Jefferson County to the development of the steel production industry, Valley Road in Jefferson County between I-59 and Milstead Road in Fairfield, Alabama, is hereby renamed the "U.S. Steel Parkway."

RESOLVED FURTHER, That the appropriate officials of the Department of Transportation are authorized to erect and maintain suitable signs and markers designating the parkway as provided herein.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 89, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 3. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 3.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 47. EXPRESSING THE INTENT OF THE LEGISLATURE THAT A PUBLIC CORPORATION ORIGINALLY FORMED FOR THE PURPOSE OF EITHER FIGHTING FIRES OR PROVIDING EMERGENCY SERVICES IN SHELBY COUNTY ALSO IS AUTHORIZED TO PROVIDE BOTH SERVICES.

WHEREAS, pursuant to Act 91-530, H. 1071, 1991 Regular Session, public corporations in Shelby County may be formed for the purpose of fighting fires or providing emergency services or both; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is the intent of the Legislature that a public corporation originally formed for the purpose of either fighting fires or providing emergency services, pursuant to Act 91-530, H. 1071, 1991 Regular Session, also is authorized to provide both services.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 47, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 74. COMMENDING THE ALABAMA INSTITUTE FOR DEAF AND BLIND FOR ITS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA AND DESIGNATING 1997 AS THE YEAR OF SPECIALIZED SCHOOLS FOR THE DEAF, BLIND, AND MULTIHANDICAPPED IN ALABAMA.

WHEREAS, the Alabama Institute for Deaf and Blind (AIDB) has continued its rich and distinguished history of providing exceptional visionary and educational programs for deaf and blind individuals throughout the United States and Canada for over 150 years; and

WHEREAS, founded by Dr. Joseph Henry Johnson in 1858, AIDB also has provided leadership and quality service in both inclusive and boarding school environments, promoting multiple opportunities for individual student success and sound placement options for parents; and

WHEREAS, national organizations such as the Association for Education and Rehabilitation of the Blind, the National Agenda for the Education of Children and Youth with Visual Impairments, and the American Foundation for the Blind have resolved to celebrate and promote the proud history and commitment to excellence of residential specialized schools for the blind by declaring 1997 the Year of Specialized Schools for the Blind and Visually Impaired; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Institute for Deaf and Blind is indeed commended for its leadership role in providing for deaf, blind, and multihandicapped children and adults.

BE IT FURTHER RESOLVED, That 1997 is hereby designated as the Year of Specialized Schools for the Deaf, Blind, and Multihandicapped in Alabama and, by copy of this resolution the AIDB is extended our sincere best wishes for continued future success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 74, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 80. URGING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE CERTAIN CONSTRUCTION PROJECTS IN MOBILE COUNTY.

WHEREAS, the Alabama Department of Transportation hosted a Public Involvement Meeting on December 10, 1996, at St. Elmo School in order to solicit public comments on two proposed highway construction projects in Mobile County, Project DBAA-4903(109), County Route 39 (McDonald Road) relocation south of I-10 to U.S. 90, and Project NHF-10-1(114), new I-10 interchange north of Bayou LaBatre near County Route 39; and

WHEREAS, the meeting was well attended by local citizens, department officials, local Mobile officials, state Legislative Representatives and Senators from the area, media representatives, utility companies, environmental organizations, business and industry representatives, educators, health care providers, and other interested parties; and

WHEREAS, the overwhelming majority of those individuals and representatives indicated strong support for the completion of these proposed projects; and

WHEREAS, the increasing traffic resulting from industry, particularly the seafood, shipbuilding, tourism, and agricultural businesses in the area would be greatly served if the department would go forward with these projects; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the Department of Transportation to expedite the completion of Mobile County projects NHF-10-1(114) and DBAA-4903(109), and further direct that a copy of this resolution be forwarded to the Director of the Department of Transportation for his consideration.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 80, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 99. NAMING A PORTION OF U.S. HIGHWAY 43, THE "A. W. TODD HIGHWAY."

WHEREAS, A. W. Todd's 40-year tenure of dedicated public service and his incomparable contributions to Alabama's farmers and to agriculture in our state as a member of the Alabama Legislature and, most especially, as Commissioner of Agriculture and Industries for three historic terms are legendary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of his service to the state, we hereby name and designate that portion of U.S. Highway 43 from Alabama House District Number 18 (Northern Part) to the junction of U. S. Highway 43 and Alabama Highways 5 and 13, near Spruce Pine, Alabama, the "A. W. Todd Highway."

BE IT FURTHER RESOLVED, That the Department of Transportation is authorized to erect and maintain appropriate signs for this designation.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 99, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 94. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996, AND INVITING HER TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

WHEREAS, in claiming the Miss Alabama 1996 title before an adoring and supportive audience of well-wishers on June 15, 1996, and later as Third-Runner Up to Miss America and Winner of the Quality of Life Award in Atlantic City, Alison McCreary has brought great pride and honor to the State of Alabama; and

WHEREAS, Alison McCreary is a beautiful, talented and confident young lady, possessed of strong basic principles and an unshakable faith in God, which she most clearly and beautifully expressed when she sang the inspirational hymn "How Great Thou Art" during talent competition on national television; and

WHEREAS, the daughter of Marc and Donna McCreary of Florence, Alabama, and a graduate of Coffee High School, Miss McCreary is a Junior at Samford University, where she is majoring in Human Development/Family Studies, and where she was named to the Family Studies/Dean's List, Social Science Honor Society, and as Samford University Student Ambassador and Miss Samford University in 1995; she also holds to her credit such titles as Miss Shoals Area (1993), and Miss Point Mallard (1994), and was winner of the Virginia McDorman Community Service Award in 1996, among numerous other accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Alison McCreary, a young Alabamian of whom we are justly proud.

BE IT FURTHER RESOLVED, That we hereby extend a cordial invitation to Miss McCreary to address a joint session of the Alabama Legislature at a date and time to be agreed upon, and direct that by copy of this resolution, Miss McCreary be advised of our invitation and hopeful anticipation of her acceptance.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 94, was adopted.

BILLS ON SECOND READING

Representatives Minnifield and Petelos, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and pursuant to House Rule 35 was referred to the Standing Committee on Tourism, Entertainment and Sports:

H. 522. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

S. 82. (With Amendment): Relating to Mobile County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Mobile County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

Representative Turner, Chairperson of the Standing Committee on Local Legislation No. 3, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 287. Relating to specifications for barbed wire fences in Mobile County; to repeal Act No. 124, p. 227, 1894 Regular Session.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Turner:

H. 524. To exempt the Mobile Firefighter's Association from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 525. To amend Section 9-11-91, Code of Alabama 1975, relating to fishing in private bodies of water, to further provide for certain penalties.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Turner:

H. 526. To provide for the issuance of one-day fishing permits to certain groups of young persons for organized fishing events; and to provide an exemption from fishing licensure requirements for the persons covered by the permit.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representative Turner:

H. 527. To authorize the Game and Fish Division of the Department of Conservation and Natural Resources to collect fees for lists of licensees, and to provide for the setting of the amounts of the fees and disposition of the proceeds.

**COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES**

By Representatives Sanderson, Petelos, Minnifield, Gaines, and Spratt (With Notice and Proof):

H. 528. Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to

provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 528, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Robinson:

H. 529. To provide site preparation grants to certain qualified corporations and to provide for retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Carothers (With Notice and Proof):

H. 530. To alter and rearrange certain boundary lines and corporate limits of the Town of Rehobeth, all in T2N, R26 in Houston County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 530, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Gaines:

H. 531. Amending Section 26-1-2 of the Code of Alabama 1975, relating to a power of attorney, to specify that acts undertaken by the attorney in fact in good faith reliance shall not affect certain termination provisions of a power of attorney.

COMMITTEE ON JUDICIARY

By Representative Johnson (R):

H. 532. To amend Section 36-29-15, Code of Alabama 1975, to allow members of the Legislature, former members of the Legislature who have been elected to office twice, the Lieutenant Governor, any former Lieutenant Governor, and their dependents to be eligible for coverage under the state employees' health insurance plan.

COMMITTEE ON INSURANCE

By Representative Willis:

H. 533. To amend Section 1-2-12, Code of Alabama 1975, to specify the species of southern pine to be designated as the state tree.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Willis:

H. 534. To amend Section 1-2-11, Code of Alabama 1975, to specify the species of camellia to be designated as the state flower; and to designate a state wildflower.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Minnifield:

H. 535. To provide a tax credit for a taxpayer or a tax paying entity or entities that removes asbestos or lead based paint from a vacant or occupied building.

COMMITTEE ON WAYS AND MEANS

By Representative Ford:

H. 536. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives McMillan, Newton (D), Fuller, and Penry:

H. 537. Relating to the awarding of the custody of a child; permitting a child who is 12 years of age or older to designate the custodial parent and providing certain exceptions.

COMMITTEE ON JUDICIARY

By Representative Papucci:

H. 538. To make the discharge or activation of certain deadly weapons or firearms by a contrived device or means unlawful; to provide for felony penalties; and to provide for enhanced felony penalties under certain conditions.

COMMITTEE ON JUDICIARY

By Representative Morrow:

H. 539. Relating to the compensation of the sheriff; to amend Section 36-22-16, Code of Alabama 1975, which relates to the minimum compensation to be paid to sheriffs, to provide for an increase in the compensation.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Curry (With Notice and Proof):

H. 540. Relating to Jefferson County; providing for single-member districts for the county governing body, pursuant to the amended federal court order, and related orders, dated October 31, 1985, and subsequently redrawn by resolution of the county commission pursuant to Section 11-3-1.1 of the Code of Alabama 1975; providing for residency requirements for commissioners, the duties and the conduct of its affairs, and the selection of the president of the county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 540, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Box, Hawk, Dolbare, Murphree, Hinshaw, Page, Clark (W), Laird, Ford, Drake, Morrison, Parker (P), Smith, Hammett, Willis, Hogan, Dukes, Letson, Morrow, Black (M), Starkey, Newton (C), Newton (D), and Carothers:

H. 541. Relating to campaigns for judicial offices; to provide for the nonpartisan election of judges; to provide for a filing fee to be paid by judicial candidates and for the disposition of the fee; to provide for filing with the Secretary of State an affidavit of indigence in lieu of payment of the filing fee provided herein; to amend Sections 17-7-20, 17-8-1, 17-8-4, 17-16-18, and 17-16-20 of the Code of Alabama 1975, to provide further for certain elections; to provide for a Fair Judicial Campaign Practices Commission to regulate political advertising in races for judicial offices; to prohibit false advertising in judicial races and to prescribe penalties for violations.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Gipson:

H. 542. To amend Sections 34-4-6, 34-4-7, 34-4-21, 34-4-27, 34-4-30, and 34-4-50, Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to provide for penalties; and to specifically repeal Sections 8-14-20, 8-14-21, and 11-51-97, of the Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Allen:

H. 543. To amend Section 9-15-38, Code of Alabama 1975, relating to the sale of certain timber or minerals from school lands or swamp and overflowed lands, to increase the dollar value limit up to which certain timber may be sold on a negotiated basis; to provide for certain additional categories of timber which can be sold on that basis; to clarify that certain determinations are to be made by the State Lands Division of the Department of Conservation and Natural Resources; and to provide that the section applies to all timber sales conducted by the State Lands Division.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Allen, Crigler, Gaston, Penry, Dean, and Papucci:

H. 544. To amend Section 13A-12-200.2 of the Code of Alabama 1975, to further provide for the penalties for the distribution of obscene material or the possession of obscene material with the intent to distribute or the production of obscene material for pecuniary value.

COMMITTEE ON JUDICIARY

By Representatives Box, Buskey, Crigler, Dean, Gaston, Turner, Kennedy, Clark (W), and Mitchell:

H. 545. To amend Sections 33-2-185, 33-2-188, and 33-2-189, Code of Alabama 1975, which relate to the sale and issuance by Alabama State Docks Department of its docks facilities revenue bonds and refunding bonds, to permit the public sale of such bonds upon publication of summary notices of the sale, provided the summary notice shall be published at least one time not less than 10 days prior to the date fixed for the sale and permit the department to pay out of the proceeds of such bonds the costs of any surety bond or bonds that the department may cause to be deposited in a reserve account to further secure the payment of the principal, and premium, if any, thereof and the interest thereon.

COMMITTEE ON NAVIGATION AND
WATERWAYS

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By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 546. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 546, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Rogers (J) and Spratt:

H. 547. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

**COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES**

By Representative Wren:

H. 548. To amend Section 8-6-51, Code of Alabama 1975, as amended by Act No. 96-749, 1996 Regular Session; to include two additional members to the commission from the securities industry.

COMMITTEE ON STATE ADMINISTRATION

By Representative Rogers (J):

H. 549. To amend Section 13A-5-9 of the Code of Alabama 1975, relating to the sentencing of criminal defendants who have been previously convicted of certain felonies; to further provide for the cases in which the sentence of a criminal defendant will be enhanced; and to provide review of certain individuals currently sentenced to life without parole for possible release.

COMMITTEE ON JUDICIARY

By Representative Minnifield:

H. 550. To authorize the conduct of super bingo by the Alabama Veterans Foundation, Inc., and provide for the powers and duties of the foundation; to provide for the disposition of the super bingo proceeds; and to prescribe penalties for certain violations.

COMMITTEE ON WAYS AND MEANS

By Representatives Dean, McKee, Crigler, Haney, Sims, McMillan, Penry, Wren, Townsend, Seibenhener, Payne, and Houston:

H. 551. To amend Section 40-18-19, Code of Alabama 1975, to increase the per child income tax exemption.

COMMITTEE ON WAYS AND MEANS

By Representative Morrow:

H. 552. To amend Section 12-13-20, Code of Alabama 1975, relating to the compensation for salaried judges of probate of the respective counties of the state, to provide further for the basis of the salaries, based on the population of the respective counties of the state, and the extra compensation for certain judges of probate who have additional responsibility in the county; and to specify that this bill shall not affect the compensation of judges of probate who receive a greater annual salary.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Carothers, Johnson (R), Laird, Page, McKee, Smith, Clouse, Jorgensen, Layson, McMillan, Carter, Turnham, Hall (A), Flowers, Penry, Drake, Turner, Newton (D), and Hammett:

H. 553. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

COMMITTEE ON HEALTH

By Representatives Carothers, Johnson (R), Laird, Page, McKee, Smith, Clouse, Jorgensen, Layson, McMillan, Carter, Turnham, Hall (A), Flowers, Penry, Drake, Turner, Newton (D), and Hammett:

H. 554. To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

COMMITTEE ON HEALTH

By Representative Hill:

H. 555. To amend Section 9-15-82, Code of Alabama 1975, to exempt transfers of real property from the state, or certain kinds of agencies, institutions, and components thereof to municipalities and counties or to boards, authorities, or agencies thereof or to non-profit corporations controlled by directors who are municipal or county officers, or who are appointed by the governing bodies of municipalities or counties, by members of the State Legislature, the Governor, or other state officials, and to permit such transfers by agreement if approved by the Governor.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hill, Carothers, Johnson (R), Millican, Pringle, Morrow, Letson, Flowers, Baker, Morrison, Parker (P), Morton, Payne, Penry, McMillan, Turner, Hawkins, Starkey, Clark (J), Warren, Carter, Sims, Gaston, and Galliher:

H. 556. To establish the Alabama Freelance Court Reporter Act; to provide for a board of directors, and its terms of office, duties, and powers; and to prescribe penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representative Turnham:

H. 557. To provide for an appropriate reduction in the premium charges for private passenger automobile insurance for certain drivers.

COMMITTEE ON INSURANCE

By Representative Fuller:

H. 558. To provide for stress time for law enforcement officers and firefighters who are not receiving stress time as of the effective date of this act and who are members of the Employees' Retirement System, and to provide certain court costs and business license fees to fund the costs of additional stress time.

COMMITTEE ON WAYS AND MEANS

By Representatives Thomas (J) and Fuller:

H. 559. To amend Section 36-21-10, Code of Alabama 1975, to further provide for the minimum compensation to be paid to county law enforcement officers.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller and Curry:

H. 560. To provide for a supplemental appropriation to the Alabama Corrections Institution Finance Authority from the State General Fund for the fiscal year ending September 30, 1997 in the amount of \$7,000,000 for the completion of construction of Brent Correctional Facility.

COMMITTEE ON WAYS AND MEANS

By Representative Dukes:

H. 561. To amend Section 41-4-221, Code of Alabama 1975, relating to the functions, powers, and duties of the Division of Data Systems Management; to exempt the Department of Transportation from the authority of the division; to allow the Department of Transportation to control its data processing activities, including, but not limited to, systems design and programming, and selection and procurement by purchase or by lease of all data processing systems and hardware deemed necessary to best serve the data processing needs of the department; to allow the department to prepare contract specifications for equipment and services; and to allow the department to employ the personnel necessary to adequately carry out the data processing activities.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Galliher, Ford, Rogers (M), Gipson, Hall (L), Graham, Black (M), Burke, Clouse, and Gaston:

H. 562. Relating to grandparent visitation; to provide further for the right of a grandparent to petition for visitation of grandchildren; and to repeal Section 30-3-4, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Rogers (J), McAdory, Houston, and Hilliard:

H. 563. Proposing an amendment to Section 65 of the Constitution of Alabama of 1901, to establish a state-operated and regulated lottery and prohibit private lotteries; to establish a State Lottery Commission; to provide for the disposition of net revenues and establish certain trust funds; and to permit reciprocal agreements with other states.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Turnham:

H. 564. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

COMMITTEE ON LOCAL LEGISLATION NO. 8

The above bill was read a first time at length as required by the Constitution.

By Representative Turnham:

H. 565. To amend Sections 34-8-1, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Hall (A), Rogers (J), Hilliard, Morrow, Robinson, Hinshaw, Jorgensen, and Papucci:

H. 566. To amend Sections 34-37-4 and 34-37-6, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for an increase in compensation for the members of the board; to clarify that an applicant for master gas fitter examination shall be a journeyman gas fitter; and to eliminate the provision for certification without examination.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan, Clark (J), McDaniel, Smith, and Hamilton:

H. 567. To further provide for the funding of state parks under the jurisdiction of the Department of Conservation and Natural Resources; to amend Section 9-2-106, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the state park fund; and to amend Section 9-2-107, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the State Park Revolving Fund.

COMMITTEE ON WAYS AND MEANS

By Representative Fuller:

H. 568. To amend Section 11-88-7, Code of Alabama 1975, relating to the powers of a water, sewer, or fire protection authority by providing that an authority may compensate a director of the authority who serves as a manager of the water system of the authority.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 569. To amend Section 5-3A-1 of the Code of Alabama 1975, relating to the duties of the Superintendent of the State Banking Department concerning banks organized under the laws of this state, to further provide for the time period for examinations of the banks.

COMMITTEE ON BANKING

By Representatives Galliher and Graham:

H. 570. To amend Section 13A-6-61 of the Code of Alabama 1975, to provide that a male convicted of rape in the first degree involving forcible compulsion would not be eligible for parole or any form of early release.

COMMITTEE ON JUDICIARY

By Representatives Kennedy, Hall (L), Graham, and Boyd:

H. 571. Establishing the Alabama Child Care Assistance Program to provide child care to certain persons; and establishing the Child Care Commission to oversee statewide child care services administered in the state.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (L), Graham, Kennedy, and Boyd:

H. 572. Prohibiting the state from using any of its Temporary Assistance for Needy Families block grant funds to provide assistance to minor teen parents not living in the home of a parent, legal guardian, or adult relative under certain circumstances; prohibiting attribution of minor teen parent's income for eligibility purposes; and providing for child care and transportation assistance for minor teen parents.

COMMITTEE ON STATE ADMINISTRATION

By Representative Burke:

H. 573. Relating to the personnel records of education employees; to provide for reasonable access by the employees; to ensure that employees answer or respond to derogatory materials placed in their files; and to establish other procedures and regulations pertaining to education employees' personnel files.

COMMITTEE ON EDUCATION

RESOLUTION

The following resolution was introduced:

By Representatives McKee, Laird, Layson, Smith, Murphree, McMillan, Sanderford and Galliher:

H.J.R. 103. SUPPORTING THE DISPLAY OF THE TEN COMMANDMENTS AND PRAYER IN COURTROOMS.

The motion offered by Representative McKee to suspend House Rule 69 in order to bring up for immediate consideration the foregoing resolution, H.J.R. 103, was adopted.

Yeas 61; Nays 14.

Yea:

Representatives Allen, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Letson, Maul, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Baker, Dolbare, Hayden, Hilliard, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Newton (D), Parker (P), Perdue and Rogers (J).

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The resolution, H.J.R. 103, was read and referred to the Standing Committee on Rules.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Drake intended to vote "Yea" on the motion offered by Representative McKee to suspend House Rule 69 in order to bring up for immediate consideration the resolution, H.J.R. 103.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 68, was adopted.

Yeas 70; Nays 3.

Yea:

Mr. Speaker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, Melton, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Baker, Ford and Mitchell.

- 3

And the bill:

H. 68. To require all state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

was taken up.

SUBSTITUTE OFFERED

Representative Laird offered the following substitute to the bill, H. 68:

A BILL
TO BE ENTITLED
AN ACT

To require certain state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Any laws to the contrary notwithstanding, whenever any litigation is instituted against any state department, division, board, bureau, commission, agency, two-year postsecondary educational institution, officer, or employee, such entity shall promptly notify the Office of the Attorney General of the action. This notification shall include a description of the controversy, the relief sought, and other information the Attorney General deems necessary. The reporting requirements of this act shall not apply to four-year institutions of higher education.

(b) This information shall be maintained in a central location within the Office of the Attorney General. This material shall be organized in a manner so that all of the following information may be ascertained:

- (1) The number of lawsuits pending against the state categorized by department.
- (2) The nature of each lawsuit.
- (3) The measure of relief sought.
- (4) Information necessary to maintain a comprehensive information system concerning such litigation, as determined by the Attorney General.

Section 2. (a) For the purposes of this section, the following terms have the following meanings:

(1) BUDGET PROCESS. The entire process by which funds are appropriated and expended, including, but not limited to, revenue estimating, legislative budget hearings, appropriations, allotment, and expenditure of funds.

(2) REVENUE SOURCES. Any receipt of funds by the state, including, but not limited to, tax receipts, fee receipts, transfers, interest income, transfers between state agencies or funds, or gifts or grants from other instrumentalities.

(b) In addition to the reporting requirement in Section 1, whenever such litigation concerns the budget process or any revenue source, the state official who is a party to the litigation shall promptly notify the Chair of the Joint Fiscal Committee and the Director of the Legislative Fiscal Office.

(c) A state official who is a party to any litigation shall use his or her discretion in notifying the Joint Fiscal Committee and the Legislative Fiscal Office to the extent that frivolous matters or suits without merit are not required to be reported.

Section 3. (a) For the purposes of this section, "joint legislative operations" means those activities, responsibilities, and procedures of the Legislature as an institution of government including, but not limited to, activities, responsibilities, and procedures involving the enactment and codification of legislation, the process by which administrative regulations are adopted, relations with the other branches of government, and internal operations of the Legislature as a whole including, but not limited to, joint rules, legislative compensation, and joint activities of the two houses. The term does not include activities, responsibilities, or procedures involving only one house of the Legislature, such as matters relating to the rules, liabilities, or employees of the particular house.

(b) In addition to the reporting requirement in Section 1, whenever such litigation concerns joint legislative operations, the state official who is a party to the litigation shall promptly notify the Chair of the Legislative Council and the Director of the Legislative Reference Service.

(c) A state official who is a party to any litigation shall use his or her discretion in notifying the Legislative Council and the Legislative Reference Service to the extent that frivolous matters or suits without merit are not required to be reported.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Hawk,

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Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Baker, Mitchell and Murphree.

- 3

And the bill:

H. 68. To require certain state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Mitchell.

- 1

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 186, were temporarily carried over due to absence of the sponsor.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Morton to indefinitely postpone the bill, H. 160, and the pending Budget Isolation Resolution offered by Representative Buskey on the fourth legislative day was lost.

Yeas 44; Nays 47.

Yea:

Representatives Allen, Burke, Carns, Collins, Crigler, Dolbare, Drake, Dukes, Gaines, Galliher, Gipson, Hamilton, Hawkins, Hill, Hogan, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carter, Clark (W), Curry, Dean, Flowers, Ford, Graham, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hinshaw, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, Lindsey, Maull, McClammy, McMillan, Melton, Minnifield, Mitchell, Morrow, Newton (D), Page, Papucci, Penry, Perdue, Pringle, Robinson, Rogers (J), Spratt, Starkey, Thomas (J) and Turner.

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LEAVE OF ABSENCE

At the request of Representative Buskey, leave of absence was granted for Representative Reed.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 68. To require certain state entities to notify the Office of Attorney General whenever any legal action is initiated against the entity; to require these entities to notify the Joint Fiscal Committee and the Legislative Fiscal Office whenever a legal action is instituted against the entity concerning the budget process or a revenue source; and to require these entities to notify the Legislative Council and Legislative Reference Service whenever a legal action is instituted against the entity concerning joint legislative operations.

TOMMY CARTER
Chairman

And the bill, H. 68, as engrossed, was ordered sent to the Senate.

BILLS ON THIRD READING RESUMED
BUDGET ISOLATION RESOLUTION LOST

The motion offered by Representative Buskey to adopt the Budget Isolation Resolution relating to the bill, H. 160, was lost.

Yeas 47; Nays 48.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Carter, Clark (W), Dean, Flowers, Graham, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hinshaw, Holmes, Houston, Kennedy, Knight (J), Letson, Lindsey, Maull, McClammy, McMillan, Melton, Minnifield, Mitchell, Morrow, Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Robinson, Rogers (J), Spratt, Starkey, Thomas (J) and Turner.

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Nay:

Representatives Allen, Burke, Carns, Collins, Crigler, Curry, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Hamilton, Haney, Hawkins, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, Millican, Moore, Morrison, Morton, Murphree, Parker (T), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 29. TO CREATE A WELFARE TO WORK TASK FORCE TO STUDY
ONE STOP CENTERS

McDOWELL LEE
Secretary

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Haney intended to vote "Yea" on the motion offered by Representative Morton to indefinite postpone the bill, H. 160, and the pending Budget Isolation Resolution.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 93. COMMENDING JEFF CAMPBELL ON HIS INDUCTION INTO
THE 1996 UNIVERSITY OF WEST ALABAMA ATHLETIC HALL OF FAME.

Also:

H.J.R. 98. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED
SERVICE TO STILLMAN COLLEGE.

Also:

H.J.R. 100. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED
SERVICE TO STILLMAN COLLEGE.

McDOWELL LEE
Secretary

REPORT FILED

Pursuant to Act No. 94-598, Regular Session of the 1994 Legislature, Mr. Robert Crowder, Chairman, Houston County Commission, and Chairman, Alabama Local Government Training Institute, submitted the Report of the Alabama Local Government Training Institute to the Legislature of the State of Alabama and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 78. CREATING THE JOINT INTERIM COMMITTEE ON BIRTH DEFECTS AND MONITORING.

Also:

H.J.R. 89. NAMING THE "U.S. STEEL PARKWAY" IN FAIRFIELD, ALABAMA.

Also:

H.J.R. 90. CONGRATULATING M. C. AND MARTHA ANN BASKIN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 91. CONGRATULATING CLEVAN AND LAURENE C. TUCKER ON THE OCCASION OF THEIR 51ST WEDDING ANNIVERSARY.

Also:

H.J.R. 92. COMMENDING NEIL P. HYCHE ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS AND COMMUNITY LEADERSHIP.

Also:

H.J.R. 94. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996, AND INVITING HER TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced:

By Rules Committee:

H.R. 104. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in

the order set forth below, shall be the special and paramount order of business for the Fifth legislative day, Tuesday, February 18, 1997, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the Following bills:

Inst Id	Page
H. 299 (By Hooper)	35
Punitive damages, caps imposed three times compensatory damages not to exceed \$750,000, Sec. 6-11-21 am'd., Sec. 6-11-27 repealed	
H. 301 (By McDaniel)	36
Damages for emotional and mental distress, limited	
H. 302 (By Haney)	35
Fraud, civil actions alt., Secs. 6-2-3, 6-5-100 am'd., Secs. 6-11-27, 6-5-101 to 6-5-104, inclusive, repealed	

MOTION TO ADOPT OFFERED

Representative Carter offered the motion to adopt the resolution, H.R. 104.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Holmes to indefinitely postpone the resolution, H.R. 104, and the pending motion offered by Representative Carter to adopt, was lost.

Yeas 13; Nays 73.

Yea:

Representatives Bandy, Black (L), Box, Drake, Hall (L), Hayden, Holmes, Jackson, Knight (J), Maull, McClammy, Mitchell and Rogers (J).

Nay:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Warren, White, Willis and Wren.

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RESOLUTION ADOPTED

The question was then on the adoption of the resolution, H.R. 104, and the resolution was adopted.

Also:

By Representatives Jorgensen, Haney, Hinshaw, Hall (A), Papucci, Sanderford and Hall (L):

H.J.R. 105. DESIGNATING THE "PURPLE HEART VETERANS' OVERPASS" IN HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 105, was read and referred to the Standing Committee on Rules.

Also:

By Representative Murphree:

H.J.R. 106. ENDORSING AND SUPPORTING THE NAMING OF THE PARK AND AMPHITHEATRE LOCATED ADJACENT TO HAYDEN ELEMENTARY SCHOOL PLAYGROUND THE VERA VAUGHN PARK.

The resolution, H.J.R. 106, was read and referred to the Standing Committee on Rules.

Also:

By Representative Millican:

H.J.R. 107. COMMENDING FORMER MAYOR ELBERT THURMAN SIMS, JR., FOR OUTSTANDING ACHIEVEMENTS.

The resolution, H.J.R. 107, was read and referred to the Standing Committee on Rules.

Also:

By Representative Starkey:

H.J.R. 108. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996.

The resolution, H.J.R. 108, was read and referred to the Standing Committee on Rules.

Also:

By Representative Burke:

H.J.R. 109. DIRECTING THE DEPARTMENT OF REVENUE, THE LEGISLATIVE FISCAL OFFICE, AND THE HOUSE WAYS AND MEANS COMMITTEE TO JOINTLY CONDUCT AN ANALYSIS OF THE COSTS AND BENEFITS OF COMBINED OR CONSOLIDATED INCOME TAX REPORTING BY AFFILIATED CORPORATIONS.

The resolution, H.J.R. 109, was read and referred to the Standing Committee on Rules.

Also:

By Representative Gipson:

H.J.R. 110. COMMENDING GORDON MUSGROVE FOR OUTSTANDING SERVICE TO THE COMMUNITY.

The resolution, H.J.R. 110, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hall (L):

H.J.R. 111. COMMENDING JOSEPH EDWARD KENT, III, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 111, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Baker and Thomas (J):

H.J.R. 112. DESIGNATING THE PINE BURR QUILT AS THE OFFICIAL QUILT OF THE STATE OF ALABAMA.

The resolution, H.J.R. 112, was read and referred to the Standing Committee on Rules.

Also:

By Representative Parker (T):

H.J.R. 113. COMMENDING TEDDY GRYSKA OF TUSCALOOSA, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

The resolution, H.J.R. 113, was read and referred to the Standing Committee on Rules.

Also:

By Representative Layson:

H.J.R. 114. HONORING WILLIAM ALTON CURRY UPON HIS ELECTION AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

The resolution, H.J.R. 114, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Millican:

H.R. 115. COMMENDING FORMER MAYOR ELBERT THURMAN SIMS, JR., FOR OUTSTANDING ACHIEVEMENTS.

Also:

By Representative Jackson:

H.R. 116. COMMENDING WILLIE PRITCHETT ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

By Representative Hamilton:

H.R. 117. HONORING OTTO M. WILLIAMS FOR HIS OUTSTANDING CONTRIBUTIONS TO LAUDERDALE COUNTY.

Also:

By Representative Parker (T):

H.R. 118. COMMENDING TEDDY GRYSKA OF TUSCALOOSA, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 36. To provide for the enactment by the State of Alabama of the Alabama-Coosa-Tallapoosa River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 35. To provide for the enactment by the State of Alabama of the Apalachicola-Chattahoochee-Flint River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hooper, the Budget Isolation Resolution relating to the bill, H. 299, was adopted.

Yeas 70; Nays 21.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Lindsey, Maul, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Box, Buskey, Clark (W), Dolbare, Drake, Hall (L), Hayden, Hilliard, Holmes, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Perdue, Rogers (J) and Thomas (J).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain:

S. 250. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 250. Tourism, Entertainment and Sports.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Freeman, Amari, Denton, McClain, Smitherman, Lindsey, and Little:

S. 17. To provide for the coverage of screening mammography under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 17. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Bedford, Denton, Freeman, Smitherman, McClain, Butler, Steele, Lindsey, Amari, Little, and Mitchell:

S. 113. Relating to health insurance and health benefit plans; to prohibit a health insurer or health benefit plan from requiring as a condition of insurability that a person take a genetic test which may show whether the person has a predisposition for cancer; and to prohibit a health benefit plan from using the

results of any genetic test which may show the predisposition of a person for cancer to determine insurability or to otherwise discriminate against the person in rates or benefits based on the genetic test results.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 113. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Figures:

S. 293. To amend Sections 12-15-1, 12-15-7, 44-1-2, 44-1-24, and 44-1-27, Code of Alabama 1975, and to repeal Section 44-1-26, Code of Alabama 1975; to provide for the duties of juvenile probation officers; to provide for the allocation of juvenile probation officer positions and staff positions by the Administrative Director of Courts in counties having a population of 99,000 or less according to the 1990 federal decennial census and the allocation formula for salary subsidies in counties having a population of more than 99,000 according to the 1990 federal decennial census; to provide for the appointment and dismissal of juvenile probation officers and chief juvenile probation officers; to provide for the development of minimum standards for certification of juvenile probation officers and continuing education; to establish the Juvenile Probation Services Fund in the State Treasury; to provide the schedule for the transition of juvenile probation officers from county employees to state employees; to phase out county funding of salaries and benefits for juvenile probation officers and staff providing juvenile probation services, excluding staff of juvenile detention and shelter care facilities; to provide for the classification and pay of juvenile probation officers and staff under the state court system personnel system and the protection of current employee status and benefits of juvenile probation officers and staff during transition and after transition; to provide for state assumption of certain operating expenses and specified property; to provide for an appropriation of \$450,000 from the State General Fund to the Unified Judicial System for the fiscal year ending September 30, 1998; and to provide for an effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 293. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Escott-Russell, Denton, Smitherman, McClain, Steele, Lindsey, Amari, and Mitchell:

S. 224. To provide for the coverage of reconstructive breast surgery incident to a mastectomy by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 224. Insurance.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Freeman:

S. 26. To amend Section 40-9-30, Code of Alabama 1975, to include prosthesis within the definition of durable medical equipment entitled to an exemption from certain state and local taxes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 26. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Windom:

S. 71. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 71. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Hale:

S. 10. Relating to the allocation of volumes of the acts and resolutions of each legislative session; to amend Section 36-14-11 of the Code of Alabama 1975; to adjust the allocation; and to permit a recipient upon written request to reduce or refuse a specified allocation.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 10. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Mitchell:

S. 168. To amend Section 13A-7-29, Code of Alabama 1975, relating to the offense of criminal littering to provide for prima facie evidence for certain material found in the litter.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 168. Local Government.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 119. MOURNING THE DEATH OF KATE REAVES SCHRIEBER OF MONTGOMERY, ALABAMA.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Myers, Lipscomb, Adams, Barron, Butler, Denton, Hill, Mitchem, Steele, and Mitchell:

S.J.R. 32. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 32, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Myers, Lipscomb, Adams, Barron, Butler, Denton, Hill, Mitchem, Steele, and Mitchell:

S.J.R. 33. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 33, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Hall (A) and Turnham:

H.R. 120. MOURNING THE DEATH OF HENRY A. MILLER OF AUBURN, ALABAMA.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills and House Joint Resolutions, to-wit:

H. 35. To provide for the enactment by the State of Alabama of the Apalachicola-Chattahoochee-Flint River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

Also:

H. 36. To provide for the enactment by the State of Alabama of the Alabama-Coosa-Tallapoosa River Basin Compact to promote interstate cooperation, planning, and development of the river basin resources.

Also:

H.J.R. 93. COMMENDING JEFF CAMPBELL ON HIS INDUCTION INTO THE 1996 UNIVERSITY OF WEST ALABAMA ATHLETIC HALL OF FAME.

Also:

H.J.R. 98. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

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Also:

H.J.R. 100. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

Also:

H.J.R. 29. TO CREATE A WELFARE TO WORK TASK FORCE TO STUDY ONE STOP CENTERS

Also:

H.J.R. 78. CREATING THE JOINT INTERIM COMMITTEE ON BIRTH DEFECTS AND MONITORING.

Also:

H.J.R. 89. NAMING THE "U.S. STEEL PARKWAY" IN FAIRFIELD, ALABAMA.

Also:

H.J.R. 90. CONGRATULATING M. C. AND MARTHA ANN BASKIN ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

Also:

H.J.R. 91. CONGRATULATING CLEVAN AND LAURENE C. TUCKER ON THE OCCASION OF THEIR 51ST WEDDING ANNIVERSARY.

Also:

H.J.R. 92. COMMENDING NEIL P. HYCHE ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS AND COMMUNITY LEADERSHIP.

Also:

H.J.R. 94. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996, AND INVITING HER TO ADDRESS A JOINT SESSION OF THE ALABAMA LEGISLATURE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 3. MOURNING THE DEATH OF MICHAEL A. FIGURES OF MOBILE, ALABAMA.

Also:

S.J.R. 5. COMMENDING CHRISTOPHER DEREK SCOTT ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

S.J.R. 6. DESIGNATING 1998 AS THE YEAR OF THE AMERICAN INDIAN IN ALABAMA.

Also:

S.J.R. 7. COMMENDING DEIDRA HAM OF FAYETTE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

Also:

S.J.R. 12. COMMENDING GLENDA OGLETREE OF HELENA, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

Also:

S.J.R. 13. MOURNING THE DEATH OF DR. BENJAMIN FRANKLIN THOMAS, JR., OF AUBURN, ALABAMA.

Also:

S.J.R. 14. COMMENDING JAMES RHODES OF CAMP HILL, ALABAMA.

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Also:

S.J.R. 15. COMMENDING JUDGE JOHN PATTERSON FOR HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

Also:

S.J.R. 16. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

Also:

S.J.R. 17. HONORING DR. GEORGE WASHINGTON CARVER OF TUSKEGEE, ALABAMA, AND DESIGNATING JANUARY 5 AS DR. GEORGE WASHINGTON CARVER DAY.

Also:

S.J.R. 18. COMMENDING FRED C. CRAWFORD AS THE RECIPIENT OF THE UNIVERSITY OF MONTEVALLO NATIONAL ALUMNI ASSOCIATION'S 1996-97 LOYAL ALUMNUS AWARD.

Also:

S.J.R. 19. DESIGNATING FEBRUARY 19 AS THE 1997 AGRIBUSINESS DAY IN ALABAMA.

Also:

S.J.R. 20. MOURNING THE DEATH OF CURTIS BOYD WILLIAMS, SR., OF BLOUNTSVILLE, ALABAMA.

Also:

S.J.R. 22. COMMENDING MAYOR QUITMAN J. MITCHELL OF BESSEMER, ALABAMA.

Also:

S.J.R. 26. NAMING THE HUEYTOWN HIGH SCHOOL SOFTBALL FIELD IN HONOR OF NATALIE MARIE BUNN.

Also:

S.J.R. 29. MOURNING THE DEATH OF JERRY WILSON OF HAMILTON, ALABAMA.

Also:

S.J.R. 30. MOURNING THE DEATH OF SYLVESTER JONES OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

H. 299 TAKEN UP

And the bill:

H. 299. (With Substitute): To regulate further the award of punitive damages in civil actions; to prescribe amounts of punitive damages that may be awarded; to prohibit, in certain civil actions, an award of punitive damages except upon an award of economic damages; to prohibit award of punitive damages against any defendant not expressly found to have committed conduct warranting such an award and to require the award to be commensurate with a defendant's conduct; to prohibit punishment more than once for the same wrongful act or course of conduct; and to prescribe circumstances under which a defendant may be liable for punitive damages arising from the conduct of another; to amend Section 6-11-21 of the Code of Alabama 1975; to repeal Section 6-11-27 of the Code of Alabama 1975; and to provide an effective date for such act.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities to the bill, H. 299, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To regulate further the award of punitive damages in civil actions; to prescribe amounts of punitive damages that may be awarded; to prohibit, in certain civil actions, an award of punitive damages except upon an award of economic damages; to prohibit award of punitive damages against any defendant

not expressly found to have committed conduct warranting such an award and to require the award to be commensurate with a defendant's conduct; to prohibit punishment more than once for the same wrongful act or course of conduct; and to prescribe circumstances under which a defendant may be liable for punitive damages arising from the conduct of another; to amend Section 6-11-21 of the Code of Alabama 1975; to repeal Section 6-11-27 of the Code of Alabama 1975; and to provide an effective date for such act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 6-11-21 of the Code of Alabama 1975 (originally enacted as Section 2 of Act 87-185) is hereby amended to read as follows:

"§6-11-21.

~~"An award of punitive damages shall not exceed \$250,000, unless it is based upon one or more of the following:~~

~~"(1) A pattern or practice of intentional wrongful conduct, even though the damage or injury was inflicted only on the plaintiff; or,~~

~~"(2) Conduct involving actual malice other than fraud or bad faith not a part of a pattern or practice; or,~~

~~"(3) Libel, slander or defamation.~~

"(a) In all civil actions wherein entitlement to punitive damages shall have been established under applicable laws, other than actions for wrongful death brought under Alabama law so long as the wrongful death action in Alabama is restricted solely to the remedy of punitive damages, no award of punitive damages shall exceed three times the compensatory damages of the party claiming punitive damages but in no event shall such punitive damages exceed seven hundred and fifty thousand dollars (\$750,000). An award of punitive damages may not be made to any claimant in any amount in the absence of an award of economic damages to that claimant.

"(b) "Economic damages" means the actual, out-of-pocket monetary loss of the injured party and does not include any recovery for nominal damages, pain, suffering, mental anguish, emotional injuries, injury to reputation, inconvenience or other nonpecuniary damages.

"(c) No defendant may be liable for any punitive damages unless that defendant has been expressly found by the trier of fact to have engaged in conduct, as defined in Section 6-11-20, Code of Alabama 1975, warranting punitive damages, and such defendant shall be liable only for punitive damages commensurate with that defendant's own conduct except to the extent that such defendant may be held liable for the conduct of another as provided in subparagraph (f).

"(d) Nothing herein shall be construed as creating a right to an award of punitive damages in any amount inasmuch as punitive damages should be awarded only in extraordinary cases, and the trier of fact shall likewise have discretion in all cases not to award punitive damages in any amount.

"(e) A defendant may not be punished more than once for the same wrongful act, omission, or course of conduct. No award of punitive damages for multiple claimants against a defendant shall, in the aggregate, exceed three times the compensatory damages of each claimant entitled to an award of punitive damages, and in no event shall the aggregate punitive damage awards for all claimants exceed seven hundred fifty thousand dollars (\$750,000).

"(f) A defendant may be liable for punitive damages as a result of conduct of another only where such defendant or, where such defendant is other than an individual, when a person in senior management with the express and actual authority to make policy decisions, expressly authorizes or subsequently expressly ratifies another's wrongdoing or retains the benefit of another's wrongdoing under circumstances where the defendant or, where the defendant is other than an individual, the person in senior management with the express and actual authority to make policy decisions, has recklessly and not merely carelessly disregarded a legal obligation to control the wrongdoer resulting in damage to the plaintiff recoverable under Alabama law.

Section 2. The provisions of this act are severable. If any section, subsection, clause, provision or other portion of this act should be held invalid or unenforceable (whether on grounds of unconstitutionality or otherwise) by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any of the remaining portions of this act, which shall continue to be effective.

Section 3. All laws and parts of laws that are in conflict with any of the provisions of this act shall be and are, to the extent of conflict repealed, and Section 6-11-27, Code of Alabama 1975, is specifically repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Section 5. This act shall apply only to civil actions first commenced on or after the effective date of this act.

SUBSTITUTE ADOPTED

And the substitute was adopted.

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Yeas 74; Nays 19.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-74

Nay:

Representatives Bandy, Black (M), Box, Clark (W), Dolbare, Drake, Hall (L), Hayden, Hilliard, Holmes, Jackson, Kennedy, Knight (J), McClammy, Melton, Mitchell, Perdue, Rogers (J) and Thomas (J).

-19

AMENDMENT OFFERED

Representative Hawk offered the following amendment to the bill, H. 299, as amended:

On page 5, after line 2, add the following language: "(g) The limits set forth in Section 1, subsection (a) of this bill shall not be applicable when the defendant is a manufacturer or seller of tobacco products."

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Hawk to the bill, H. 299, as amended, was tabled.

Yeas 61; Nays 29.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hill, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Moore, Morton, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-61

Nay:

Representatives Bandy, Box, Boyd, Crigler, Dolbare, Drake, Ford, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Holmes, Jackson, Kennedy, Knight (J), McAdory, McClammy, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Robinson, Rogers (J) and Sanderson.

-29

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 299, as amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g) The limits set forth in Section 1, subsection (a) of this bill shall not apply to any individual or entity who intentionally harms any person under the age of 18 or who knowingly manufactures a defective product that injures any person under the age of 18."

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Knight (J) to the bill, H. 299, was tabled.

Yeas 49; Nays 37.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Layson, Lindsey, Maull, McDaniel, McKee, Millican, Morton, Murphree, Newton (C), Papucci, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Vance, Venable and Willis.

-49

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Dolbare, Drake, Ford, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Morrison, Morrow, Page, Parker (P), Payne, Robinson, Rogers (J), Spratt, Thomas (J) and Turnham.

-37

AMENDMENT OFFERED

Representative Rogers (M) offered the following amendment to the bill, H. 299, as amended:

On page 3, line 9, after the word "exceed" delete the following: "three times the compensatory damages of the party claiming punitive damages but in no event shall such punitive damages exceed"

On page 4, delete subsection (e) in its entirety and insert in lieu thereof the following: "(e) In no event shall the aggregate punitive damage awards for all claimants against one defendant for the same act, omission, or course of conduct exceed seven hundred fifty thousand dollars (\$750,000)."

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Rogers (M) to the bill, H. 299, as amended, was tabled.

Yeas 46; Nays 42.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Collins, Crigler, Dean, Dukes, Flowers, Fuller, Gaines, Gaston, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (R), Layson, Maul, McDaniel, McKee, McMillan, Millican, Minnifield, Morton, Newton (C), Papucci, Payne, Penry, Pringle, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Wren.

-46

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Clark (W), Clouse, Dolbare, Drake, Ford, Galliher, Gipson, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Mitchell, Moore, Morrow, Murphree, Page, Parker (P), Petelos, Rogers (J), Rogers (M), Thomas (J), Vance and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representatives Morrison and Robinson intended to vote "Nay" on the motion offered by Representative Hooper to table the amendment offered by Representative Rogers (M) to the bill, H. 299, as amended.

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 299, as amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g) The limits set forth in Section 1, subsection (a) of this bill shall not apply to any individual who is under the influence of any illegal drug at the time of his tortuous conduct."

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Dolbare to the bill, H. 299, as amended, was tabled.

Yeas 61; Nays 30.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-61

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Clouse, Dolbare, Drake, Ford, Fuller, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, McAdory, McClammy, Mitchell, Morrow, Page, Parker (P), Robinson, Rogers (J) and Seibenhener.

-30

AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 299, amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g) The limits set forth in Section 1, subsection (a) of this bill shall not be applicable when the defendant is an individual or entity engaged in the business of child pornography or is an individual or entity that profits from the exploitation of children."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 61; Nays 27.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Crigler, Dean, Dolbare, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, McKee, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Robinson, Rogers (J), Sims, Smith, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, White, Willis and Wren.

-61

Nay:

Mr. Speaker, Allen, Carns, Carter, Curry, Dukes, Flowers, Gipson, Hammett, Haney, Hill, Hilliard, Hooper, Laird, Layson, Maul, McDaniel, McMillan, Morton, Newton (C), Penry, Petelos, Pringle, Rogers (M), Sanderford, Spratt and Townsend.

-27

AMENDMENT OFFERED

Representative Hilliard offered the following amendment to the bill, H. 299, as amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g) The limits set forth in Section 1, subsection (a) of this bill shall not be applicable when the defendant is a drunk driver." and renumber subsequent subsections accordingly.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Hilliard to the bill, H. 299, as amended, was tabled.

Yeas 56; Nays 27.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Hawkins, Hill, Hooper, Houston, Jackson, Johnson (R), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morton, Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-56

Nay:

Representatives Black (L), Box, Boyd, Clark (W), Dolbare, Drake, Fuller, Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Robinson, Rogers (J) and Thomas (J).

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MOTION TO RECONSIDER OFFERED

Having voted on the prevailing side, Representative Gaines offered the motion to reconsider the vote by which the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was adopted.

MOTION TO TABLE OFFERED

Representative Knight (J) offered the motion to table the motion offered by Representative Gaines to reconsider the vote by which the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was adopted.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 9:30 o'clock a.m., Thursday, February 20, 1997, for a Joint Session was lost.

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Yeas 17; Nays 70.

Yea:

Representatives Bandy, Black (L), Box, Dolbare, Drake, Hall (L), Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), Maull, McAdory, McClammy, Rogers (J) and Thomas (J).

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Nay:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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H. 299 RESUMED

MOTION TO TABLE LOST

The question was then on the motion offered by Representative Knight (J) to table the motion offered by Representative Gaines to reconsider the vote by which the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was adopted, and the motion to table was lost.

Yeas 37; Nays 53.

Yea:

Representatives Baker, Bandy, Black (M), Box, Burke, Buskey, Clark (W), Clouse, Dolbare, Drake, Ford, Fuller, Graham, Hall (A), Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, Melton, Mitchell, Morrison, Morrow, Page, Parker (P), Robinson, Rogers (J), Thomas (J) and Vance.

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Nay:

Mr. Speaker, Allen, Carns, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Layson, Maull, McDaniel, McKee, McMillan, Millican, Minnifield, Morton, Murphree, Newton (C), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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MOTION TO RECONSIDER ADOPTED

The question was then on the motion offered by Representative Gaines to reconsider the vote by which the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was adopted, and the motion to reconsider was adopted.

Yeas 52; Nays 37.

Yea:

Mr. Speaker, Allen, Carns, Carter, Collins, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, McMillan, Millican, Minnifield, Morton, Murphree, Newton (C), Payne, Penry, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-52

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Crigler, Dolbare, Ford, Fuller, Graham, Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Kennedy, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Mitchell, Moore, Morrison, Morrow, Page, Parker (P), Robinson, Rogers (J) and Thomas (J).

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The question was then on the adoption of the amendment offered by Representative Black (M) to the bill, H. 299, as amended.

MOTION TO TABLE LOST

The motion offered by Representative Hooper to table the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was lost.

Yeas 42; Nays 47.

Yea:

Mr. Speaker, Allen, Carns, Carter, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Laird, Layson, McDaniel, McKee, McMillan, Minnifield, Morton, Newton (C), Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren and White.

-42

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Crigler, Dolbare, Drake, Ford, Fuller, Galliher, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Robinson, Rogers (J), Rogers (M), Vance and Willis.

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MOTION TO TABLE LOST

The motion offered by Representative White to table the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was lost.

Yeas 46; Nays 47.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carter, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, McMillan, Minnifield, Morton, Newton (C), Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Wren.

-46

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Crigler, Dolbare, Drake, Ford, Fuller, Galliher, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Robinson, Rogers (J), Rogers (M), Smith, Thomas (J), Vance and Willis.

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AMENDMENT TABLED

On motion of Representative McKee, the amendment offered by Representative Black (M) to the bill, H. 299, as amended, was tabled.

Yeas 49; Nays 43.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Collins, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Jackson, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, McMillan, Minnifield, Moore, Morton, Newton (C), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, White and Wren.

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Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clark (W), Clouse, Crigler, Dolbare, Drake, Ford, Fuller, Galliher, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Mitchell, Morrison, Morrow, Parker (P), Robinson, Rogers (J), Rogers (M), Thomas (J), Turnham, Vance and Willis.

-43

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment to the bill, H. 299, as amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g.) The limits set forth in Section 1, subsection (a) of this bill shall not be applicable when the defendant is a toxic polluter. Such toxic polluters include but is not limited to any individual or entity that pollutes Alabama's air, water, or land or commits any other toxic act that injures the environment and/or the citizens of Alabama."

AMENDMENT TABLED

On motion of Representative Hooper, the amendment offered by Representative Parker (P) to the bill, H. 299, as amended, was tabled.

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Yeas 62; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-62

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Clouse, Dolbare, Drake, Hall (A), Hall (L), Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), Letson, McAdory, McClammy, Mitchell, Morrow, Page, Parker (P), Robinson and Rogers (J).

-25

MOTION IN WRITING OFFERED

Representative Sanderson offered the following Motion in Writing relating to the bill, H. 299, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost.

Yeas 44; Nays 50.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Collins, Crigler, Dean, Dukes, Flowers, Fuller, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Jackson, Jorgensen, Laird, Layson, Lindsey, McKee, McMillan, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Sanderford, Sanderson, Sims, Smith, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

-44

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Curry, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Graham, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Page, Parker (P), Petelos, Robinson, Rogers (J), Rogers (M), Seibenhener, Spratt, Thomas (D), Thomas (J) and Willis.

-50

MOTION TO ADJOURN LOST

The motion offered by Representative Ford that the House adjourn until 9:30 o'clock a.m., Thursday, February 20, 1997, for a Joint Session was lost.

Yeas 26; Nays 67.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Clark (W), Dolbare, Drake, Ford, Hall (A), Hall (L), Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), Maull, McAdory, McClammy, Melton, Page, Parker (P), Robinson, Rogers (J) and Thomas (J).

-26

Nay:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-67

H. 299 RESUMED

AMENDMENT OFFERED

Representative Moore offered the following amendment to the bill, H. 299, as amended:

Strike the entire subsection (e) on page 4, lines 8 through 15, and substitute the following:

"(e) Where there are multiple plaintiffs in one action, or multiple actions by multiple plaintiffs, against the same defendant arising from the same wrongful act, omission, or course of conduct, punitive damages may be awarded as provided in this act until the defendant has paid in one or more actions an aggregate of seven hundred fifty thousand dollars (\$750,000)."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

Nay:

Representatives Holmes and Mitchell.

- 2

AMENDMENT OFFERED

Representative Drake offered the following amendment #1 to the bill, H. 299, as amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g) The limits set forth in Section 1, subsection (a) of this bill shall not be applicable when the defendant is an individual or entity that commits an intentional tort. Such intentional torts include but are not limited to fraud, murder, battery, and assault.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #1 offered by Representative Drake to the bill, H. 299, as amended, was tabled.

Yeas 59; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morton, Murphree, Newton (C), Penry, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-59

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Dolbare, Drake, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Morrow, Page, Payne, Robinson and Rogers (J).

-25

AMENDMENT OFFERED

Representative Drake offered the following amendment #2 to the bill, H. 299, as amended:

Amend Substitute to House Bill No. 299 by adding the following language on page 5, after line 2:

"(g) The limits set forth in Section 1, subsection (a) of this bill shall not be applicable to any individual or entity that intentionally defrauds, steals from, injures, or harms another individual.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #2 offered by Representative Drake to the bill, H. 299, as amended, was tabled.

Yeas 61; Nays 23.

Yea:

Mr. Speaker, Allen, Baker, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-61

Nay:

Representatives Bandy, Black (L), Box, Boyd, Dolbare, Drake, Hall (A), Hayden, Hilliard, Hinshaw, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Morrow, Page, Parker (P), Robinson and Rogers (J).

-23

AMENDMENT OFFERED

Representative Mitchell offered the following amendment #1 to the bill, H. 299, as amended:

Amend H. 299 on page 4, Section 1, Line 15, by adding after the word dollars (\$750,000). the following:

This section shall not apply to any occasion where multiple claimants are members of the same family. Where members of the same family are claimants each shall be eligible to recover under this subparagraph

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #1 offered by Representative Mitchell to the bill, H. 299, as amended, was tabled.

Yeas 60; Nays 23.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-60

Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Dolbare, Drake, Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Payne, Rogers (J) and Smith.

-23

AMENDMENT OFFERED

Representative Mitchell offered the following amendment #2 to the bill, H. 299, as amended:

Amend H. 299 on page 5, Section 1, Line 2, by adding after the words "Alabama law." the following: A defendant is defined as an individual, a group, a corporation, a business, a proprietorship or a conglomerate and shall include any individual substantively proved to be any agent, any manager, any supervisor, any executive, and president or any board member or trustee of the defendant business.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #2 offered by Representative Mitchell to the bill, H. 299, as amended, was tabled.

Yeas 64; Nays 23.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel,

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McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-64

Nay:

Representatives Baker, Bandy, Black (L), Box, Boyd, Buskey, Clark (W), Dolbare, Hall (A), Hilliard, Holmes, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Morrow, Page, Parker (P), Robinson and Rogers (J).

-23

AMENDMENT OFFERED

Representative Mitchell offered the following amendment #3 to the bill, H. 299, as amended:

Amend H. 299 on page 4, Section 1, lines 8 through 15 by striking after the words "any amount," part (e) in its entirety. and inserting in lieu thereof, the following: (e) A defendant shall, upon a finding of fault, relinquish 25% of the defendants stock, or liquidate assets in the amount of 25% or pay an amount up to \$10 million or whichever is greater, for each wrongful act omission, or course of conduct. Where multiple claimants are successful in carrying their case, each claimant shall receive 25% of the business stock at liquidation or pay an award of no less than \$750,000.00 nor more than \$10 million.

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #3 offered by Representative Mitchell to the bill, H. 299, was tabled.

Yeas 65; Nays 18.

Yea:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-65

Nay:

Representatives Baker, Bandy, Box, Buskey, Hall (A), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Morrow and Rogers (J).

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AMENDMENT OFFERED

Representative Hooper offered the following amendment to the bill, H. 299, as amended:

Amend House Bill 299 on page 5, line 3 by inserting the following new subsection: "Nothing contained in this section shall be construed to allow the award of damages in excess of amounts authorized by Code of Alabama 1975, Section 11-93-1 et seq."

MOTION TO ADJOURN LOST

The motion offered by Representative Knight (J) that the House adjourn until 9:30 o'clock a.m., Thursday, February 20, 1997, for a Joint Session was lost.

Yeas 23; Nays 66.

Yea:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Clark (W), Dolbare, Drake, Graham, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Kennedy, Knight (J), Letson, McAdory, McClammy, Page, Robinson and Rogers (J).

-23

Nay:

Mr. Speaker, Allen, Burke, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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H. 299 RESUMED

The question was then on the adoption of the amendment offered by Representative Hooper to the bill, H. 299, as amended.

MOTION TO ADJOURN LOST

The motion offered by Representative Holmes that the House adjourn until 9:30 o'clock a.m., Thursday, February 20, 1997, for a Joint Session was lost.

Yeas 21; Nays 68.

Yea:

Representatives Baker, Bandy, Black (L), Box, Boyd, Dolbare, Drake, Galliher, Graham, Hayden, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Melton, Rogers (J) and Seibenhener.

-21

Nay:

Mr. Speaker, Allen, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-68

H. 299 RESUMED

The question was then on the adoption of the amendment offered by Representative Hooper to the bill, H. 299, as amended.

MOTION IN WRITING OFFERED

Representative Seibenhener offered the following Motion in Writing relating to the bill, H. 299, as amended:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 57; Nays 31.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Gipson, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Morrison, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Dolbare, Drake, Gaines, Graham, Hall (L), Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Millican, Mitchell, Morrow, Murphree, Page, Robinson, Rogers (J), Smith and Thomas (J).

-31

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Hooper to the bill, H. 299, as amended, and the amendment was adopted.

Yeas 80; Nays 14.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Boyd, Hall (L), Hayden, Holmes, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton and Mitchell.

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And the bill:

H. 299. To regulate further the award of punitive damages in civil actions; to prescribe amounts of punitive damages that may be awarded; to prohibit, in certain civil actions, an award of punitive damages except upon an award of economic damages; to prohibit award of punitive damages against any defendant not expressly found to have committed conduct warranting such an award and to require the award to be commensurate with a defendant's conduct; to prohibit punishment more than once for the same wrongful act or course of conduct; and to prescribe circumstances under which a defendant may be liable for punitive damages arising from the conduct of another; to amend Section 6-11-21 of the Code of Alabama 1975; to repeal Section 6-11-27 of the Code of Alabama 1975; and to provide an effective date for such act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 71; Nays 23.

Yea:

Mr. Speaker, Allen, Baker, Burke, Cams, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Dolbare, Drake, Hall (L), Hayden, Hilliard, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Melton, Mitchell, Parker (P), Rogers (J) and Thomas (J).

-23

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Gipson intended to vote "Yea" on passage of the bill, H. 299, as amended.

BUDGET ISOLATION RESOLUTION OFFERED

Representative McDaniel offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 301.

RESOLUTIONS

The following resolutions were introduced:

By Representative Rogers (J):

H.J.R. 121. HONORING THE REVEREND JOHN S. THOMPSON FOR FAITHFUL SERVICE TO PEACE MISSIONARY BAPTIST CHURCH AND THE PRATT CITY COMMUNITY.

The resolution, H.J.R. 121, was read and referred to the Standing Committee on Rules.

Also:

By Representative Rogers (J):

H.J.R. 122. COMMENDING CONSUELA MICHELLE TAYLOR FOR OUTSTANDING SERVICE.

The resolution, H.J.R. 122, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Gipson and Vance:

H.J.R. 123. REQUESTING STATE OFFICES AND AGENCIES TO WORK TOGETHER TO DEVELOP A RECOMMENDATION FOR A STREAMLINED APPROACH FOR BUSINESS LICENSING AND PERMITTING IN THE STATE OF ALABAMA.

The resolution, H.J.R. 123, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (L), Perdue, Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Maull, Melton, Minnifield, Mitchell, Newton (D), Reed, Rogers (J), Spratt, Thomas (J):

H.J.R. 124. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 124, was read and referred to the Standing Committee on Rules.

Also:

By Representative Dukes:

H.J.R. 125. PROCLAIMING ALABAMA RECYCLES DAY.

The resolution, H.J.R. 125, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 126. NAMING THE BRIDGE OVER CODEN BAYOU ON HIGHWAY 188 THE RABBY MEMORIAL BRIDGE.

The resolution, H.J.R. 126, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Johnson (E):

H.R. 127. COMMENDING MS. ELVIRA CARTER AND MS. EMMA JOHNSON FOR OUTSTANDING SERVICE TO PLEASANT VIEW BAPTIST CHURCH.

Also:

By Representative Rogers (J):

H.R. 128. HONORING THE REVEREND JOHN S. THOMPSON FOR FAITHFUL SERVICE TO PEACE MISSIONARY BAPTIST CHURCH AND THE PRATT CITY COMMUNITY.

Also:

By Representative Rogers (J):

H.R. 129. COMMENDING CONSUELA MICHELLE TAYLOR FOR OUTSTANDING SERVICE.

Also:

By Representatives Hall (L), Perdue, Baker, Bandy, Black (L), Boyd, Buskey, Clark (W), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, McClammy, Mauli, Melton, Minnifield, Mitchell, Newton (D), Reed, Rogers (J), Spratt, Thomas (J):

H.R. 130. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

Also:

The following resolution was introduced:

By Representative Crigler:

H.R. 131. NAMING THE BRIDGE OVER CODEN BAYOU ON HIGHWAY 188 THE RABBY MEMORIAL BRIDGE.

The resolution, H.R. 131, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Steele, Clay, Langford, McClain, Escott-Russell, Sanders, and Poole:

S.J.R. 35. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 35, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

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Delivered to the Governor at 2:25 p.m. on February 18, 1997.

H.J.R. 63	H.J.R. 77
H.J.R. 72	H.J.R. 79
H.J.R. 73	H.J.R. 81
H.J.R. 75	H.J.R. 83

Delivered to the Governor at 3:38 p.m. on February 18, 1997.

H. 35	H.J.R. 78
H. 36	H.J.R. 89
H.J.R. 93	H.J.R. 90
H.J.R. 98	H.J.R. 91
H.J.R. 100	H.J.R. 92
H.J.R. 29	H.J.R. 94

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Ford, the House adjourned until 9:30 o'clock a.m., Thursday, February 20, 1997, for a Joint Session and at 10:00 o'clock a.m. for the House Session.

Yeas 49; Nays 39.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carter, Clark (W), Collins, Dolbare, Drake, Ford, Gaines, Galliher, Graham, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, Melton, Millican, Morrow, Morton, Page, Parker (P), Payne, Robinson, Rogers (J), Rogers (M), Sims, Starkey, Thomas (J), Turner, Vance, White and Willis.

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Nay:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dukes, Fuller, Gaston, Gipson, Hall (A), Hammett, Haney, Hawkins, Hogan, Hooper, Johnson (R), McDaniel, McKee, McMillan, Mitchell, Morrison, Murphree, Newton (C), Papucci, Penry, Petelos, Pringle, Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turnham, Venable and Wren.

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SIXTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 20, 1997**

JOINT SESSION

The hour of 9:30 o'clock a.m. having arrived and pursuant to the resolution, H.J.R. 67, the Senate and the House of Representatives of the Legislature of Alabama met in Joint Session in the Hall of the House of Representatives for the purpose of hearing an address by the reigning Miss America, Tara Dawn Holland.

The Joint Session was called to order by the Honorable Don Siegelman, Lieutenant Governor and Presiding Officer of the Senate.

Miss America was escorted to the Chair and was introduced by Representative Pete Turnham. Thereupon Miss America delivered her address to the Legislature of Alabama.

The Lieutenant Governor and Presiding Officer of the Senate announced that the purpose of the Joint Session having been accomplished, the Senate would retire to its Chamber.

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Rodney McInnis, Old Highway 90 Missionary Baptist Church, Mobile, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Korey Delaine, Sumter County High, York, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the fifth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the fifth legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Hill, leave of absence was granted for Representative Knight (A).

Also:

At the request of Representative Hammett, leave of absence was granted for Representative Newton (D).

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Rogers (M) inadvertently voted "Yea" and intended to vote "Nay" on the motion offered by Representative Hooper to table the amendment #2 offered by Representative Drake to the bill, H. 299, as amended.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 299. To regulate further the award of punitive damages in civil actions; to prescribe amounts of punitive damages that may be awarded; to prohibit, in certain civil actions, an award of punitive damages except upon an award of economic damages; to prohibit award of punitive damages against any defendant not expressly found to have committed conduct warranting such an award and to require the award to be commensurate with a defendant's conduct; to prohibit punishment more than once for the same wrongful act or course of conduct; and to prescribe circumstances under which a defendant may be liable for punitive damages arising from the conduct of another; to amend Section 6-11-21 of the Code of Alabama 1975; to repeal Section 6-11-27 of the Code of Alabama 1975; and to provide an effective date for such act.

TOMMY CARTER
Chairman

And the bill, H. 299, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR CONTINUED

The House then proceeded with the consideration of the Special Order Calendar adopted on the fifth legislative day.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McDaniel, the Budget Isolation Resolution relating to the bill, H. 301, was adopted.

Yeas 86; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan,

Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Drake, Hilliard, Knight (J), McClammy and Mitchell.

- 5

And the bill:

H. 301. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; to limit the recovery of such damages to \$350,000 in cases involving physical injury; to limit the recovery of such damages to an amount equal to the economic damages recovered by the claimant in all other cases to limit the recovery of these damages to civil actions of the type in which these damages are currently authorized to be recovered; to provide an effective date for such act; and to provide that such act shall apply only to civil actions commenced or filed on or after the effective date of such act.

was taken up.

AMENDMENT OFFERED

Representative McDaniel offered the following amendment to the bill, H. 301:

Amend House Bill 301 on page 3, line 15 after "damages." by inserting the following: "Further nothing contained in this act shall be construed to allow a cause of action or an award of damages against a governmental entity as defined in Code of Alabama 1975, Section 11-93-1(1) except as authorized by Code of Alabama 1975, Section 11-93-1 et seq."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 11.

Yea:

Mr. Speaker, Allen, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

Nay:

Representatives Boyd, Dolbare, Drake, Hayden, Hilliard, Jackson, Knight (J), McClammy, Melton, Mitchell and Perdue.

-11

AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 301, as amended:

Amend House Bill No. 301 by adding the following language on page 3, after line 12, and renumbering subsequent sections accordingly:

"Section 3. The limits set forth in Section 1 of this bill shall not be applicable when the defendant is proven to be guilty of a crime punishable under Alabama law. Such crimes include but are not limited to rape, battery, assault, and arson."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Black (M) to the bill, H. 301, as amended, was tabled.

Yeas 47; Nays 32.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gipson, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (R), Layson, McDaniel, McKee, McMillan, Millican, Moore, Morton, Newton (C), Papucci, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-47

Nay:

Representatives Bandy, Black (M), Boyd, Dolbare, Drake, Ford, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Kennedy, Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Page, Payne, Perdue, Robinson, Rogers (J), Rogers (M) and Starkey.

-32

AMENDMENT OFFERED

Representative Morrow offered the following amendment to the bill, H. 301, as amended:

Amend House Bill No. 301 by adding the following language on page 3, after line 12, and renumbering subsequent sections accordingly:

"Section 3. The limits set forth in Section 1 of this bill shall not be applicable when the defendant is a drunk driver."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Morrow to the bill, H. 301, as amended, was tabled.

Yeas 54; Nays 28.

Yea:

Mr. Speaker, Allen, Baker, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Layson, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-54

Nay:

Representatives Bandy, Black (M), Dolbare, Ford, Galliher, Graham, Guin, Hall (A), Hawk, Hayden, Hilliard, Hinshaw, Houston, Jackson, Knight (J), Letson, McAdory, McClammy, Melton, Mitchell, Morrison, Morrow, Murphree, Page, Perdue, Robinson, Rogers (J) and Rogers (M).

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REPORT FILED

Pursuant to Act No. 94-598, Regular Session of the 1994 Legislature, Mr. Robert Crowder, Chairman, Houston County Commission, and Chairman, Alabama Local Government Training Institute, submitted the Report of the Alabama Local Government Training Institute to the Legislature of the State of Alabama and the report was ordered filed.

H. 301 RESUMED**AMENDMENT OFFERED**

Representative Guin offered the following amendment to the bill, H. 301, as amended:

On page 2, delete in their entirety lines 21 to 25, inclusive.

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Guin to the bill, H. 301, as amended, was tabled.

Yeas 49; Nays 37.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carter, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hooper, Jorgensen, Laird, Layson, Maull, McDaniel, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-49

Nay:

Representatives Bandy, Black (M), Carothers, Clouse, Dolbare, Drake, Ford, Galliher, Graham, Guin, Hall (A), Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Robinson, Rogers (J) and Rogers (M).

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MOTION TO RECESS LOST

The motion offered by Representative Parker (P) that the House recess from 12:00 o'clock Noon until 1:30 o'clock p.m. was lost.

MOTION TO RECESS LOST

The motion offered by Representative Wren that the House recess from 12:00 o'clock Noon until 1:00 o'clock p.m. was lost.

Yeas 14; Nays 74.

Yea:

Representatives Baker, Black (L), Clouse, Hawk, Hayden, Hilliard, Jackson, Letson, Maul, Melton, Page, Parker (P), Seibenhener and Townsend.

-14

Nay:

Mr. Speaker, Allen, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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H. 301 RESUMED

AMENDMENT OFFERED

Representative Gaines offered the following amendment to the bill, H. 301, as amended:

Amend H. 301 on page 3 after line 15 by adding the following "Section 3" and renumbering the remaining sections accordingly.

Section 3. Section 1 of this act shall not apply to damages for claims arising out of any actions for legal malpractice.

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Gaines to the bill, H. 301, as amended, was tabled.

Yeas 56; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Buskey, Carns, Carothers, Carter, Clark (W), Dean, Dukes, Flowers, Ford, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-56

Nay:

Representatives Black (M), Crigler, Curry, Dolbare, Drake, Gaines, Galliher, Graham, Guin, Hall (A), Hayden, Hilliard, Hinshaw, Jackson, Johnson (E), McAdory, Mitchell, Morrow, Page, Parker (P), Petelos, Robinson, Rogers (J), Rogers (M) and Sanderson.

-25

AMENDMENT OFFERED

Representative Rogers (J) offered the following amendment to the bill, H. 301, as amended:

Amend House Bill No. 301 by adding the following language on page 3, after line 12, and renumbering subsequent sections accordingly:

"Section 3. The limits set forth in Section 1 of this bill shall not be applicable when the defendant is an individual who knowingly transmits HIV (the virus that causes AIDS) to another individual."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Rogers (J) to the bill, H. 301, as amended, was tabled.

Yeas 56; Nays 27.

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Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Hamilton, Hammett, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-56

Nay:

Representatives Bandy, Black (L), Black (M), Dolbare, Drake, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Knight (J), Letson, McAdory, McClammy, Mitchell, Morrison, Morrow, Murphree, Page, Parker (P), Payne, Robinson and Rogers (J).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Haney intended to vote "Yea" on the motion offered by Representative McDaniel to table the amendment offered by Representative Rogers (J) to the bill, H. 301, as amended.

AMENDMENT OFFERED

Representative Knight (J) offered the following amendment to the bill, H. 301, as amended:

Amend House Bill No. 301 by adding the following language on page 3, after line 12, and renumbering subsequent sections accordingly:

"Section 3. The limits set forth in Section 1 of this bill shall not be applicable when the defendant is an individual or entity that intentionally harms any person 16 years of age or younger."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Knight (J) to the bill, H. 301, as amended, was tabled.

Yeas 48; Nays 36.

Yea:

Mr. Speaker, Allen, Carns, Carter, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Minnifield, Moore, Morton, Newton (C), Papucci, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-48

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Crigler, Dolbare, Drake, Ford, Galliher, Graham, Guin, Hall (A), Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Millican, Mitchell, Morrison, Morrow, Murphree, Page, Payne, Robinson and Rogers (J).

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AMENDMENT OFFERED

Representative Page offered the following amendment to the bill, H. 301, as amended:

Amend House Bill No. 301 by adding the following Section on page 3, after line 12, and renumbering subsequent sections accordingly:

"Section 3. The limits set forth in Section 1 of this bill shall not be applicable to a defendant who intentionally harms a child under the age of eighteen (18). Such intentional harm includes but is not limited to sexual abuse, physical abuse, and emotional abuse."

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Page to the bill, H. 301, as amended, was tabled.

Yeas 57; Nays 26.

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Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Dolbare, Ford, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Jackson, Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Mitchell, Morrison, Morrow, Murphree, Page, Robinson and Rogers (J).

-26

AMENDMENT OFFERED

Representative Robinson offered the following amendment to the bill, H. 301, as amended:

On page 3, delete in its entirety Section 3 and insert in lieu thereof the following:

Section 3. The limits set forth in Section 1 of this bill shall not be applicable when the defendant performs any of the following conduct that results in injury or harm to the plaintiff when:

(a) The defendant intentionally harms any person under the age of 19 years;

(b) The defendant intentionally harms any person over the age of 65 years;

(c) The defendant is under the influence of any illegal drug at the time of the tortuous conduct;

(d) The defendant is under the influence of alcohol at the time of the tortuous conduct;

(e) The defendant is engaged in producing or distributing child pornography at the time of the tortuous conduct;

(f) The defendant is engaged in the business of performing abortion on demand at the time of the tortuous conduct; or

(g) The defendant commits an intentional tort at the time of the tortuous conduct.

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Robinson to the bill, H. 301, as amended, was tabled.

Yeas 55; Nays 26.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-55

Nay:

Representatives Black (L), Black (M), Boyd, Buskey, Dolbare, Drake, Ford, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Knight (J), Letson, McClammy, Melton, Mitchell, Morrison, Morrow, Murphree, Page, Payne, Robinson and Rogers (M).

-26

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment to the bill, H. 301, as amended:

On page 3, delete in its entirety Section 3 and insert in lieu thereof the following:

Section 3. The limits set forth in Section 1 of this bill shall not be applicable when the defendant is a healthcare facility or physician performing medical procedures pursuant to Chapter 21 of Title 26 of the Code of Alabama 1975, or similar medical procedures whether or not performed on a minor.

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment offered by Representative Parker (P) to the bill, H. 301, as amended, was tabled.

Yeas 50; Nays 29.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hammett, Haney, Hawkins, Hill, Hooper, Jorgensen, Layson, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morton, Newton (C), Papucci, Parker (T), Penry, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-50

Nay:

Representatives Bandy, Black (L), Black (M), Box, Boyd, Dolbare, Ford, Guin, Hall (A), Hayden, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Knight (J), Letson, McAdory, McClammy, Millican, Mitchell, Morrow, Murphree, Page, Parker (P), Payne, Robinson, Rogers (M) and Seibenhener.

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AMENDMENT OFFERED

Representative Mitchell offered the following amendment #1 to the bill, H. 301, as amended:

Amend H. 301 on page 4, Sect 6, Line 3, by adding the following: Immediately upon passage and approval by the Governor or upon its otherwise becoming a law, there shall be installed electronic security devices and weapons detection devices at every State House entrance to protect State employees and law maker's from citizens suffering emotional distress and mental anguish.

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment #1 offered by Representative Mitchell to the bill, H. 301, as amended, was tabled.

Yeas 65; Nays 13.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-65

Nay:

Representatives Bandy, Black (L), Boyd, Dolbare, Drake, Hayden, Hilliard, Hinshaw, Houston, Knight (J), McAdory, McClammy and Mitchell.

-13

AMENDMENT OFFERED

Representative Mitchell offered the following amendment #2 to the bill, H. 301, as amended:

Amend H. 301 on page 4, Sect. 6, line 3, by adding the following: Immediately upon passage and approval by the Governor or upon its otherwise becoming a law there shall be installed chemical and explosive detection devices, and a K-9 unit trained to detect explosives placed to protect State employees and members of the legislature of Alabama from citizens suffering emotional distress and mental anguish.

AMENDMENT TABLED

On motion of Representative McDaniel, the amendment #2 offered by Representative Mitchell to the bill, H. 301, as amended, was tabled.

Yeas 65; Nays 8.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carter, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Hilliard, Jackson, Knight (J), McAdory, McClammy, Mitchell, Morrow and Page.

- 8

And the bill:

H. 301. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; to limit the recovery of such damages to \$350,000 in cases involving physical injury; to limit the recovery of such damages to an amount equal to the economic damages recovered by the claimant in all other cases to limit the recovery of these damages to civil actions of the type in which these damages are currently authorized to be recovered; to provide an effective date for such act; and to provide that such act shall apply only to civil actions commenced or filed on or after the effective date of such act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-81

Nay:

Representatives Bandy, Black (L), Black (M), Dolbare, Drake, Hilliard, Knight (J), McAdory, McClammy and Rogers (M).

-10

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Nay" on passage of the bill, H. 301, as amended.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 301. Relating to the recovery of damages for intentional infliction of emotional distress and mental anguish; to limit the recovery of such damages to \$350,000 in cases involving physical injury; to limit the recovery of such damages to an amount equal to the economic damages recovered by the claimant in all other cases to limit the recovery of these damages to civil actions of the type in which these damages are currently authorized to be recovered; to provide an effective date for such act; and to provide that such act shall apply only to civil actions commenced or filed on or after the effective date of such act.

TOMMY CARTER
Chairman

And the bill, H. 301, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Haney offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 302.

MOTION TO INDEFINITELY POSTPONE LOST

The motion offered by Representative Rogers (J) to indefinitely postpone the bill, H. 302, and the pending Budget Isolation Resolution was lost.

Yeas 15; Nays 71.

Yea:

Representatives Bandy, Black (M), Box, Dolbare, Drake, Hilliard, Holmes, Houston, Kennedy, Knight (J), McAdory, McClammy, Mitchell, Perdue and Rogers (J).

Nay:

Mr. Speaker, Allen, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Haney to the bill, H. 302, and the Budget Isolation Resolution was adopted.

Yeas 76; Nays 16.

Yea:

Mr. Speaker, Allen, Baker, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (M), Box, Dolbare, Drake, Hilliard, Holmes, Houston, Knight (J), McAdory, McClammy, Mitchell, Page, Perdue, Robinson and Rogers (J).

-16

And the bill:

H. 302. Relating to civil actions for fraud to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered, the fraud, to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into one cause of action whether committed by misrepresentation or suppression; and to specifically repeal Section 6-11-27 and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

was taken up.

AMENDMENT OFFERED

Representative Haney offered the following amendment #1 to the bill, H. 302:

Amend House Bill 302 on page 5, line 9 after "section." by inserting the following: "Further nothing contained in this act shall be construed to allow an award of damages in excess of amounts authorized by Code of Alabama 1975, Section 11-93-1 et seq."

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 79; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

Nay:

Representatives Drake, Holmes, Houston, Johnson (E), McAdory and Mitchell.

- 6

AMENDMENT OFFERED

Representative Haney offered the following amendment #2 to the bill, H. 302, as amended:

Add to subsection (a)(3) on page 3, line 24 after the word "party." the following: The preceding sentence shall not apply to consumer documents or contracts (those which involve natural persons, and are primarily for personal, family or household purposes) entered into on and after 180 days from the effective date of this act, unless the document or contract contains substantially the following provision, in at least 8 point bold type or print: THIS WARNING IS FOR YOUR PROTECTION PURSUANT TO ALABAMA LAW. THIS DOCUMENT OR CONTRACT AFFECTS YOUR LEGAL RIGHTS AND YOU WILL BE BOUND BY ITS TERMS. READ IT CAREFULLY. YOU ARE AGREEING TO BE BOUND BY ALL ITS TERMS.

SUBSTITUTE AMENDMENT OFFERED

Representative Box offered the following substitute amendment to the amendment #2 offered by Representative Haney to the bill, H. 302, as amended:

On page 3, line 24, after the word "party" delete the period and add the following: , if the document or contract includes the following statement in at least 8 point bold type immediately preceding the signature line: "By signing this document I (we) acknowledge that, as a matter of law, I (we) may not reasonably rely upon an oral representation that conflicts with the terms of this written document."

SUBSTITUTE AMENDMENT TABLED

On motion of Representative Haney, the substitute amendment offered by Representative Box to the amendment #2 offered by Representative Haney to the bill, H. 302, as amended, was tabled.

Yeas 47; Nays 40.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Collins, Curry, Dean, Dukes, Gaines, Gaston, Gipson, Hammett, Haney, Hawkins, Hill, Hooper, Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Minnifield, Moore, Morton, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-47

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Buskey, Carothers, Clark (W), Crigler, Dolbare, Drake, Galliher, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Millican, Mitchell, Morrow, Murphree, Newton (C), Page, Robinson, Rogers (J), Turnham and White.

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REPORT FILED

The Report of the Joint Legislative Rural Transportation Committee was submitted by the Chairman, Representative Neal Morrison, to the Alabama Legislature of 1997, and the report was ordered filed.

H. 302 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #2 offered by Representative Haney to the bill, H. 302, as amended, and the amendment #2 was adopted.

Yeas 69; Nays 14.

Yea:

Mr. Speaker, Allen, Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hinshaw, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Box, Hayden, Hilliard, Holmes, Houston, Johnson (E), Knight (J), Letson, McAdory, McClammy, Mitchell, Page and Rogers (J).

-14

AMENDMENT OFFERED

Representative Black (M) offered the following amendment to the bill, H. 302, as amended:

Amend House Bill No. 302 by adding the following language on page 5, after line 9:

"(e) The provisions of Section 2, Subsection (a) (3) and Section (2), Subsection (b) of this bill shall not be applicable when the plaintiff is illiterate."

AMENDMENT TABLED

On motion of Representative Haney, the amendment offered by Representative Black (M) to the bill, H. 302, as amended, was tabled.

Yeas 51; Nays 33.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hammett, Haney, Hawkins, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Moore, Morton, Papucci, Payne, Penry, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-51

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Dolbare, Drake, Graham, Guin, Hall (A), Hall (L), Hamilton, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Knight (J), Letson, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Robinson and Rogers (M).

-33

AMENDMENT OFFERED

Representative Dolbare offered the following amendment to the bill, H. 302, as amended:

Amend House Bill No. 302 by adding the following language on page 5, after line 9:

"(e) The provisions of Section 2, Subsection (a) (3) and Section (2), Subsection (b) of this bill shall not be applicable when the plaintiff is shown to have a learning disability."

AMENDMENT TABLED

On motion of Representative Haney, the amendment offered by Representative Dolbare to the bill, H. 302, as amended, was tabled.

Yeas 57; Nays 24.

Yea:

Mr. Speaker, Allen, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Layson, Lindsey, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-57

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Box, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Knight (J), Letson, McAdory, McClammy, Mitchell, Morrow, Murphree, Page and Robinson.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Dolbare intended to vote "Nay" on the motion offered by Representative Haney to table the amendment offered by Representative Dolbare to the bill, H. 302, as amended.

AMENDMENT OFFERED

Representative Mitchell offered the following amendment to the bill, H. 302, as amended:

Amend H. 302 on page 5, Sec. 2, line 9, by adding after the words under this section. the following: All contract language in print shall be at 18 point print. Helvetica.

AMENDMENT TABLED

On motion of Representative Haney, the amendment offered by Representative Mitchell to the bill, H. 302, as amended, was tabled.

Yeas 56; Nays 26.

Yea:

Mr. Speaker, Allen, Carns, Carter, Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Laird, Lindsey, McDaniel, McKee, McMillan, Minnifield, Moore, Morrison, Morton, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-56

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Buskey, Dolbare, Guin, Hall (L), Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Knight (J), Letson, McAdory, McClammy, Millican, Mitchell, Morrow, Murphree, Page, Robinson, Rogers (J) and Seibenhener.

-26

AMENDMENT OFFERED

Representative Rogers (M) offered the following amendment to the bill, H. 302, as amended:

Amend H. 302 on page 2, Section 1, line 20 by striking after the word fraud. the following: The receipt by a party of a document which would place a reasonable person on notice that a misrepresentation or suppression has occurred shall be deemed discovery of the fraud, regardless of whether the party actually read the document.

MOTION TO TABLE LOST

The motion offered by Representative Haney to table the amendment offered by Representative Rogers (M) to the bill, H. 302, as amended, was lost.

Yeas 39; Nays 41.

Yea:

Mr. Speaker, Allen, Burke, Carns, Carothers, Carter, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaston, Hammett, Haney, Hawkins, Hill, Hooper, Johnson (R), Jorgensen, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Papucci, Payne, Pringle, Sanderford, Sanderson, Spratt, Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-39

Nay:

Representatives Baker, Bandy, Black (L), Black (M), Clouse, Dolbare, Drake, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Penry, Robinson, Rogers (J), Rogers (M) and Willis.

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AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Rogers (M) to the bill, H. 302, as amended, and on motion of Representative Turner, the amendment was tabled.

Yeas 52; Nays 37.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morton, Papucci, Payne, Penry, Pringle, Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Box, Carothers, Clouse, Dolbare, Drake, Galliher, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Letson, McAdory, Melton, Mitchell, Morrow, Murphree, Newton (C), Page, Parker (P), Parker (T), Petelos, Robinson, Rogers (J) and Rogers (M).

-37

MOTION TO INDEFINITELY POSTPONE OFFERED

Representative Holmes offered the motion to indefinitely postpone the bill, H. 302, as amended.

MOTION IN WRITING OFFERED

Representative White offered the following Motion in Writing relating to the bill, H. 302, as amended:

I move the previous question.

MOTION IN WRITING LOST

And the Motion in Writing was lost, lacking a three-fifths vote.

Yeas 42; Nays 30.

Yea:

Mr. Speaker, Allen, Carns, Carter, Crigler, Curry, Dean, Dukes, Flowers, Gaston, Gipson, Hammett, Haney, Hawkins, Hill, Hooper, Layson, Lindsey, McDaniel, McKee, McMillan, Moore, Morton, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-42

Nay:

Representatives Bandy, Black (L), Box, Buskey, Clark (W), Clouse, Dolbare, Drake, Gaines, Galliher, Guin, Hall (A), Hall (L), Hayden, Hilliard, Holmes, Jackson, Johnson (E), Kennedy, Knight (J), McAdory, Melton, Mitchell, Morrow, Page, Parker (P), Robinson, Rogers (J), Rogers (M) and Vance.

-30

MOTION TO ADJOURN LOST

The motion offered by Representative Robinson that the House adjourn was lost.

Yeas 26; Nays 49.

Yea:

Representatives Bandy, Black (L), Dolbare, Drake, Galliher, Graham, Guin, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Letson, McAdory, Morrow, Page, Parker (P), Robinson, Rogers (J), Rogers (M), Seibenhener and Spratt.

-26

Nay:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Lindsey, McDaniel, McKee, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Sanderford, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION IN WRITING OFFERED

Representative McKee offered the following Motion in Writing relating to the bill, H. 302, as amended:

Mr. Speaker:

I move the previous question.

MOTION IN WRITING ADOPTED

And the Motion in Writing was adopted.

Yeas 48; Nays 29.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carter, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan,

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Moore, Morton, Papucci, Payne, Penry, Petelos, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-48

Nay:

Representatives Bandy, Black (L), Box, Buskey, Clouse, Dolbare, Galliher, Graham, Guin, Hall (A), Hall (L), Hayden, Hilliard, Hinshaw, Holmes, Jackson, Kennedy, Knight (J), McAdory, Melton, Mitchell, Morrison, Morrow, Page, Parker (P), Robinson, Rogers (J), Rogers (M) and Spratt.

-29

MOTION TO INDEFINITELY POSTPONE LOST

The question was then on the motion offered by Representative Holmes to indefinitely postpone the bill, H. 302, as amended, and the motion to indefinitely postpone was lost.

Yeas 14; Nays 67.

Yea:

Representatives Bandy, Black (L), Box, Dolbare, Drake, Hall (L), Hayden, Hilliard, Holmes, Jackson, Knight (J), McAdory, Rogers (J) and Rogers (M).

-14

Nay:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO ADJOURN LOST

The motion offered by Representative Hall (A) that the House adjourn was lost.

Yeas 20; Nays 63.

Yea:

Representatives Bandy, Black (L), Dolbare, Drake, Galliher, Hall (A), Hall (L), Hayden, Hilliard, Holmes, Jackson, Knight (J), Letson, McAdory, Morrow, Page, Robinson, Rogers (J), Rogers (M) and Spratt.

-20

Nay:

Mr. Speaker, Allen, Baker, Box, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hamilton, Hammett, Haney, Hill, Hogan, Hooper, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 302. Relating to civil actions for fraud to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party discovered, or in the exercise of reasonable diligence should have discovered, the fraud, to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into one cause of action whether committed by misrepresentation or suppression; and to specifically repeal Section 6-11-27 and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 16.

Yea:

Mr. Speaker, Allen, Baker, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hill, Hogan, Holmes, Hooper, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Bandy, Black (L), Box, Dolbare, Drake, Hayden, Hilliard, Jackson, Kennedy, Knight (J), McAdory, Mitchell, Parker (P), Robinson, Rogers (J) and Rogers (M).

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Holmes dissented to the bill, H. 302, as amended, and the following was filed by him:

I am Representative Alvin Holmes. As a member of the Alabama House of Representatives, I have a constitutional right to enter into the Journal the reason for my dissent against House Bill 302. Article IV, Section 55 of the Constitution of 1901 gives me this right. Article IV, Section 55 of the Constitution of 1901 provides, in part, "Any member of either house shall have the liberty to dissent from or protest against any act or resolution which he might think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal."

The reason for my dissent is that I believe this bill to be in violation of the Alabama Constitution. House Bill 302 violates Article IV, Section 63 of the Constitution of Alabama of 1901, which governs the readings of bills. Article IV, Section 63 provides, in part, "Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length." House Bill 302 was not read at length upon its final passage in the House of Representatives and therefore is unconstitutional.

Because I believe that House Bill 302 violates Article IV, Section 63 of the Constitution of Alabama of 1901, I protested against this bill on February 20, 1997. I protested against this bill not only because I find passage of this bill to be injurious to the public through abuse of process by the Legislature, but also because the bill, as unconstitutionally passed, would be injurious to Alabama consumers based upon its content. In accordance with Alabama Constitution Article IV, Section 55, I move that the reasons for my dissent be entered into the Journal.

MOTION TO RECONSIDER TABLED

Having voted on the prevailing side, Representative Holmes offered the motion to reconsider the vote by which the bill, H. 302, as amended, was passed, and on motion of Representative Holmes, the motion to reconsider was tabled.

Yeas 69; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Page and Parker (P).

- 2

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 106. ENDORSING AND SUPPORTING THE NAMING OF THE PARK AND AMPHITHEATRE LOCATED ADJACENT TO HAYDEN ELEMENTARY SCHOOL PLAYGROUND THE VERA VAUGHN PARK.

WHEREAS, as a teacher in the Hayden Schools of Blount County for almost 40 years, and as the first principal for Hayden Elementary School until retirement in 1986, Vera Vaughn demonstrated her commitment to the education and well-being of the young people under her tutelage and care, and earned the admiration and respect of all with whom she was associated as an outstanding educator, a dedicated professional, and as an individual; and

WHEREAS, Vera Vaughn also played a major role in the planning of the park and amphitheatre located adjacent to the Hayden Elementary School playground, and worked tirelessly toward its development; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in celebration of her 70th birthday, April 28, 1997, and in tribute to her immeasurable contributions to education and Hayden Elementary School, we hereby endorse and support the naming of the park adjacent to Hayden Elementary School as the Vera Vaughn Park in her honor.

BE IT FURTHER RESOLVED, That we hereby encourage the proper authorities to erect and maintain appropriate signs and markers designating the Vera Vaughn Park.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 106, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 107. COMMENDING FORMER MAYOR ELBERT THURMAN SIMS, JR., FOR OUTSTANDING ACHIEVEMENTS.

WHEREAS, it is with gratitude and appreciation that Elbert Thurman Sims, Jr., former mayor of Hamilton, Alabama, is recognized for his personal and professional contributions to the Hamilton Community; and

WHEREAS, working tirelessly for the good and betterment of his fellow citizens for 28 years, Mr. Sims, affectionately known as "E.T.," was instrumental with the building of the Clyde S. Nix Library and the much-needed water and sewer plants; and

WHEREAS, a man of vision who always had the best interest of the Hamilton Community in mind, Mr. Sims also was responsible for recruiting the mobile home industry and Federal Mogul, and ably reflected the best in a public servant; and

WHEREAS, Mr. Sims has generously shared his professional expertise with the residents of Hamilton, offering insightful advice regarding the securing of bonds and grants, three shopping centers, expansion of Munsingwear, and the Hamilton Airport; and

WHEREAS, an active member of the First Baptist Church of Hamilton, Elbert Thurman Sims, Jr., is the devoted husband of wife, Linda; and loving father of two children, Linda and Ricky; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Mr. Sims is commended on the accomplishments of his career and the magnitude of his community service, and it is further directed that he receive a copy of this resolution of highest esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 107, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 108. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996.

WHEREAS, in claiming the Miss Alabama 1996 title before an adoring and supportive audience of well-wishers on June 15, 1996, and later as Third-Runner Up to Miss America and Winner of the Quality of Life Award in Atlantic City, Alison McCreary has brought great pride and honor to the State of Alabama; and

WHEREAS, Alison McCreary is a beautiful, talented and confident young lady, possessed of strong basic principles and an unshakable faith in God, which she most clearly and beautifully expressed when she sang the inspirational hymn "How Great Thou Art" during talent competition on national television; and

WHEREAS, the daughter of Marc and Donna McCreary of Florence, Alabama, and a graduate of Coffee High School, Miss McCreary is a Junior at Samford University, where she is majoring in Human Development/Family Studies, and where she was named to the Family Studies/Dean's List, Social Science Honor Society, and as Samford University Student Ambassador and Miss Samford University in 1995; she also holds to her credit such titles as Miss Shoals Area (1993), and Miss Point Mallard (1994), and was winner of the Virginia McDorman Community Service Award in 1996, among numerous other accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Alison McCreary, a young Alabamian of whom we are justly proud, and for whom a copy of this resolution shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 108, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 111. COMMENDING JOSEPH EDWARD KENT, III, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, on March 6, 1997, at J. O. Johnson High School in Huntsville, Alabama, Joseph Edward Kent, III, will be honored and recognized for his outstanding career accomplishments as a wide receiver for the University of Tennessee Volunteers; and

WHEREAS, born April 23, 1974, Joseph Edward Kent attended Holy Family Elementary School and Westlawn Middle School, and graduated from J. O. Johnson as a member of the Class of 1992; and

WHEREAS, over his spectacular career at the University of Tennessee, with a career total 183 receptions, Joey Kent holds the distinction of being the all-time reception leader in Tennessee football history by a broad margin, and tied for third place all-time in the SEC; he also tops all Tennessee players in receiving yards, and is second all-time in the SEC with 2,814 yards, and in touchdown receptions with 25, fifth all-time in the SEC; in fact, only 12 other receivers in the nation caught more passes than Joey Kent in 1996, and he was ranked 14th in the nation in receiving yards; and

WHEREAS, indeed, Joey Kent has had two fantastic seasons in his last two years at Tennessee, contributing significantly to Tennessee's celebrated passing offense; remarkably, he was responsible for 27.6 percent of team receptions in 1995, and 26.7 percent in 1996, and his reception and yardage totals of 137 and 2,135 would exceed the career figures of every receiver in the annals of Tennessee football; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this momentous occasion, we hereby recognize and applaud Joseph Edward "Joey" Kent and express pride and congratulations in his accomplishments.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to him as an expression of our tribute and esteem, and of our sincere best wishes for his every future happiness and success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 111, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 112. DESIGNATING THE PINE BURR QUILT AS THE OFFICIAL QUILT OF THE STATE OF ALABAMA.

WHEREAS, the Freedom Quilting Bee was organized as an outgrowth of the Civil Rights Movement in 1966, one of the few all-Black women's cooperatives in the country; and

WHEREAS, the Freedom Quilting Bee has achieved national recognition for its quilts by using designs that come from 140-year-old tradition; and

WHEREAS, China Grove Myles, a farmer, was the only one left in Gee's Bend who could sew the Pine Burr Quilt, a pattern involving hundreds of tedious swatches that unfold before the eye in a breathtaking, three-dimensional effect; and

WHEREAS, Nettie Young, also a farmer, is the only woman now working at the Bee who was among its originators, and who typifies the history of the Black race in Alabama; and

WHEREAS, quilts and artifacts of the Civil Rights era, which will be presented and stored in the Freedom Quilting Bee, will provide an accurate documentation of the events taking place throughout the nation during this significant period in American history; and

WHEREAS, a love and understanding of the history of our state are enhanced by traditions that have become a part of our way of life and the customs of the American people, and the official recognition of the Pine Burr Quilt will indeed enhance the cultural statue of Alabama both nationally and internationally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a meaningful symbol for a state quilt, the Pine Burr Quilt is hereby designated as the official state quilt of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Freedom Quilting Bee with sincere best wishes for future success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 112, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 113. COMMENDING TEDDY GRYSKA OF TUSCALOOSA, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Teddy Gryska, a ninth grade student at Tuscaloosa Academy and member of Boy Scout Troop 2 at First Presbyterian Church in Tuscaloosa, Alabama, has successfully completed the requirements for the prestigious rank of Eagle Scout; and

WHEREAS, Teddy, a young man of exceptional talent and ability who exhibits a strong faith in God, was named 1996 "Scout of the Year" for Troop 2, is a member of Beta Club, and earned a 3.37 grade-point average on a 4.0 academic scale; and

WHEREAS, to create an awareness of organ and tissue donation in the Tuscaloosa County area, Teddy maintained continuous contact with the Alabama Organ Center in Birmingham, Alabama, and was instrumental in designating an Organ and Tissue Donor Awareness Day at the Paul Bryant Museum on July 11, 1996; and

WHEREAS, in July, Teddy spent 12 days on a national camping trip to Philmont in northeast New Mexico with his troop enjoying glimpses of wildlife, learning about astronomy, blacksmithing and archaeology, and receiving guidelines for mountain search and rescue; and

WHEREAS, Teddy Gryska, in whom we take great pride, has indeed developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Teddy, son of Ted and Kathy Gryska, be congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding attainment in qualifying for this high honor.

BE IT FURTHER RESOLVED, That Teddy Gryska receive a copy of this resolution of highest commendation, tribute, and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 113, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 114. HONORING WILLIAM ALTON CURRY UPON HIS ELECTION AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

WHEREAS, Dr. William Alton Curry of Carrollton, Alabama, a prominent Pickens County physician who has served his profession and the community with highest distinction, will assume the office of President of the Medical Association of the State of Alabama in April 1997; and

WHEREAS, he received his Bachelor of Science Degree from the University of Alabama, where he was a Rhodes Scholarship Finalist in 1972; Doctor of Medicine, Vanderbilt University School of Medicine; and received his postgraduate training as an Intern and Resident in Internal Medicine at Vanderbilt University Hospital and as the Hugh J. Morgan Chief Resident in Medicine at Vanderbilt University; and

WHEREAS, he is deeply involved in service to numerous medical societies, committees, and organizations; it is further noted that Dr. Curry holds prominent positions at Pickens County Medical Center, Druid City Hospital Regional Medical Center, and Carrollton Medical Clinic: Private Practice of Internal Medicine; and

WHEREAS, Dr. Curry also has established an unparalleled record of leadership and involvement as a former chairman and vice chairman of the board with the Pickens County Medical Center and, in his special area of expertise, as an active board member of the Alabama Society of Internal Medicine; and

WHEREAS, the author of numerous publications, Dr. Curry is married to his loving wife, Dr. Glenda McGaha Curry, and they are the proud parents of Laura, Seana, and John Walter, deceased; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That William Alton Curry is extended highest praise and warmest congratulations upon his election as President of the Medical Association of the State of Alabama and, by copy of this resolution, extended best wishes for every future happiness and success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 114, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 122. COMMENDING CONSUELA MICHELLE TAYLOR FOR OUTSTANDING SERVICE.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes and commends Consuela Michelle Taylor for her distinguished service to the State of Alabama as the first Black Student Nursing Association President in its 47-year history; and

WHEREAS, over her tenure of service from February 8, 1996, to February 8, 1997, Consuela Michelle Taylor has indeed served as a worthy representative for the Alabama Student Nursing Association, and has earned the highest admiration and regard of all with whom she has been associated, including all the Deans of Nursing Schools of state universities who saluted her for her outstanding contributions and performance in her year as president; and

WHEREAS, in addition to her duties and responsibilities as president, she also served the National Student Board as a planner for the entire South Central Region, and most ably represented Alabama at the National Convention in Chicago, Illinois in October 1996; and

WHEREAS, Ms. Taylor graduated with honors from Jacksonville State University with a BSN in nursing following three years of service in the United States Army, including one year of service during Operation Desert Storm, and is currently employed at Brookwood Women's Medical Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the Alabama Student Nursing Association and to the state, we hereby most highly commend Consuela Michelle Taylor, and direct that she receive a copy of this resolution as an expression of our tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 122, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 121. HONORING THE REVEREND JOHN S. THOMPSON FOR FAITHFUL SERVICE TO PEACE MISSIONARY BAPTIST CHURCH AND THE PRATT CITY COMMUNITY.

WHEREAS, on February 15, 1997, members, family, friends, and guests will gather at the Howze-Sanford Recreation Center, Pratt City, Alabama, to honor the Reverend John S. Thompson, and to celebrate his many years of faithful service as associate pastor of Peace Missionary Baptist Church and to the Pratt City community; and

WHEREAS, the celebration of this momentous event is a time for giving praise to the Lord for Pastor Thompson's dedicated service, and also a time to reflect upon his many contributions to the growth, prosperity and ministry of this great church; and

WHEREAS, also, in love and concern for all the people of the community Reverend Thompson has reached beyond, encouraging and supporting a spirit of brotherhood and involvement within the community, and significantly impacting the lives of many who have been touched by his genuine care and concern; and

WHEREAS, Reverend Thompson is indeed a devoted servant of God whose life and service bear eloquent testimony to his integrity, ability and tireless devotion, and his recognition on this special occasion is a highly deserved honor; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to his longtime faithful ministry and tireless labors in Christ, highest commendation is hereby accorded the Reverend John S. Thompson, to whom a copy of this resolution of highest regard shall be presented.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 121, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 125. PROCLAIMING ALABAMA RECYCLES DAY.

WHEREAS, the recycling industry is one of Alabama's largest and fastest growing industries in the state, representing 18,600 jobs; and

WHEREAS, the recycling industry represents 4.9 percent of the total manufacturing employment in Alabama; and

WHEREAS, Alabama ranks number one in the Southeast in value added, with more than \$3.4 million added in the processing and manufacturing of paper, plastic, and metals; and

WHEREAS, recycling saves our valuable resources for generations to come; and

WHEREAS, the Legislature has previously set 25 percent as a solid waste reduction goal for recycling; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That November 15, 1997, is hereby proclaimed as Alabama Recycles Day and that state and community leaders are encouraged to spread the word about the excellent recycling programs, the growth of markets, the importance of buying recycled products, and the recognition of businesses that have invested in recycling.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to the Alabama Recycling Coalition so that they may know of our actions.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 125, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 126. NAMING THE BRIDGE OVER CODEN BAYOU ON HIGHWAY 188 THE RABBY MEMORIAL BRIDGE.

WHEREAS, on June 14, 1825, Pierre Rabby, one of four brothers who came to the Mobile area from New Orleans, purchased the land located from Coden Bayou to Clark Road; the property east of Shell Belt Road throughout Coden also belonged to the Rabby family; and

WHEREAS, with their practical ideals, the Rabby men, whose name was originally spelled with one "b", were involved in the shipping business, running schooners between New Orleans and Mobile from 1820 to 1830; and

WHEREAS, in 1832, Anatole Rabby, whose far-sighted efforts as a progressive leader put him in the forefront of the business industry, worked tirelessly and with unselfish devotion in a project known as "Portersville Road" to build roads, wharves, and bridges on Mississippi Sound, an area which became known as the French Coast; and

WHEREAS, Oscar, Clifton, and Charlie Rabby also kept the family vision alive while working with enthusiasm to build Coden Methodist Church along Coden Bayou and their outstanding support of community activities will long be remembered; and

WHEREAS, located on Rabby property, St. Michael's Catholic Church and cemetery are a credit to the community and have provided strong family ties to the Coden residents; and

WHEREAS, the Rabby family is deeply committed to its community responsibilities and have built its own unique traditions in Coden, or Portersville as it was referred to at that time; and

WHEREAS, the Rabby name also has played a vital role in the history of our French Coast, and as a tribute to their contributions to the Coden Bayou, it is our desire that the bridge over Coden Bayou be designated the Rabby Memorial Bridge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the bridge over Coden Bayou on Highway 188 is designated the Rabby Memorial Bridge in memory of all the Rabbys who helped established our French Coast and made it a much better place to live.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Velma Rabby Steele for appropriate family display.

FURTHER RESOLVED, That the appropriate state and local authorities are requested to erect and maintain signs or markers at the Coden Bayou Bridge.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 126, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 124. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with profound sorrow that the Alabama Legislature records the death of former State Supreme Court Justice Oscar Adams on February 15, 1997, at the age of 72 years; and

WHEREAS, Justice Adams, a native of Birmingham, Alabama, received his Bachelor's degree from Talladega College and earned his LLD from Howard University in Washington, D. C. in 1947; and

WHEREAS, a distinguished Alabamian, Justice Adams practiced law for 33 years and earned a reputation as a brilliant civil rights lawyer, representing the Southern Christian Leadership Conference and the NAACP during the 1960s and 1970s; and

WHEREAS, Justice Adams, whose leadership and accomplishments were widely acknowledged, was appointed by Governor Fob James to a vacancy in the Alabama Supreme Court in 1980, becoming the first African-American to serve on the court, and, in 1982, the first to win a statewide elective race for a constitutional office in Alabama; and

WHEREAS, a learned, able, and competent jurist and lawyer, Justice Adams won reelection in 1988, serving a total of 13 years on the Supreme Court before retiring on October 31, 1993; and

WHEREAS, left to cherish the memories of Justice Oscar Adams are his devoted wife, Anne-Marie; and five children, Oscar III, Gail, Ted, Kynath, and Kevin; and

WHEREAS, Justice Adams's wealth of knowledge, keen memory, and insight into legal issues won for him the respect of fellow jurists and attorneys throughout the State of Alabama who often sought, and were willingly given, his sage advice; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama is indeed deeply indebted to the late Justice Oscar Adams for his outstanding service. Oscar Adams will long be remembered for his wealth of knowledge, steadfast loyalty to his friends and colleagues, and his undaunted courage to speak out on his convictions.

FURTHER RESOLVED, That a copy of this resolution be presented to his loving and supportive wife, Anne-Marie, with our very deepest and sincere condolence.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 124, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 103. SUPPORTING THE DISPLAY OF THE TEN COMMANDMENTS AND PRAYER IN COURTROOMS.

WHEREAS, two recent rulings by Montgomery County Circuit Court Judge Charles Price, both involving Etowah County Circuit Court Judge Roy Moore, one pronouncing that Judge Moore's practice of opening sessions of court with prayer was unconstitutional and the other declaring a display of the Ten Commandments on the wall of Judge Moore's courtroom unconstitutional, have provoked renewed debates over the meaning of the First Amendment of the United States Constitution and has placed Alabama again on the national stage; and

WHEREAS, court decrees such as these clearly run contrary to the intent of our founding fathers who lived in a time when references to God, prayer, and the Ten Commandments in public activities was common; in fact, prayer was invoked at the Constitutional Convention, by the courts and Congress, in a practice that has continued uninterrupted to this day; and

WHEREAS, Judge Moore's display of the Ten Commandments and his courtroom prayers are not as unusual as Judge Price and the ACLU would have you believe; to the contrary, the United States Supreme Court displays the Ten Commandments in a mural on its wall and begins each of its sessions of court with prayer; every federal district court in the United States begins their court sessions with a prayer; every session of Congress begins with a prayer; every session of this State Legislature begins with a prayer; and city and county commissions all over the United States begin their sessions with prayer; and

WHEREAS, it is an undeniable fact that the Ten Commandments is the source document of all western law, and, as such, is not out of place in our state's courts, where these laws are administered; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby express our support of the right of any circuit judge in the State of Alabama to display, in his or her courtroom, whatever documents or other items he or she deems appropriate, including, especially, Judge Moore's right to display the Ten Commandments in his courtroom.

BE IT FURTHER RESOLVED, That we express our unwavering support of the right of judges in this state and nation to open each session of court with prayer, as has been the practice in this country for over 200 years.

BE IT FURTHER RESOLVED, That we commend Governor Fob James, Jr. and Attorney General Bill Pryor for their courageous stands in support of Judge Moore's right to pray and display the Ten Commandments in his courtroom, as is permissible under the First Amendment of the United States Constitution, and as has been the practice in this nation since its inception.

BE IT FURTHER RESOLVED, That copies of this resolution be provided to Governor James, Attorney General Pryor, and Judge Moore so that they may know of the support of the Alabama Legislature for their actions.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 103, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 110. COMMENDING GORDON MUSGROVE FOR OUTSTANDING SERVICE TO THE COMMUNITY.

WHEREAS, it is with commendation and esteem that the Legislature of Alabama recognizes Gordon Musgrove for his many years of outstanding service to the Prattville community; and

WHEREAS, a native of Prattville, Mr. Musgrove has been the owner and pharmacist of Prattville Drug and Gifts since 1928; he has been an active member of Prattville Downtown Unlimited and the Alabama Pharmaceutical Association for over 50 years, and was the recipient of the Businessman of the Year Award in Prattville in 1991; and

WHEREAS, in addition to his contributions to the business community, he is widely known and acknowledged as one of the city's most prominent civic leaders and has contributed extensively to the community through his leadership and support of a number of civic organizations and other activities of great benefit to his fellowman, including the First Presbyterian Church of Prattville, where he has served as a deacon for more than 25 years; the Bank of Prattville, where he has served as a member of the board of directors for over 40 years; and the Lions Club, which, in 1991, honored him with the Melvin Jones Lions Club Award; and

WHEREAS, most especially however, Mr. Musgrove is a devoted husband to his wife, Kathleen Wadsworth Musgrove, his faithful and supportive companion for more than 60 years; a loving father to his son, Rex, and daughter, Kathy; and a proud and doting grandfather to his three grandchildren, Kate, David, and Kristy; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest recognition is hereby accorded Gordon Musgrove for his significant contributions to the Prattville community, and it is further directed that he receive a copy of this resolution as an expression of our sincere regard and best wishes for every future happiness and success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 110, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 32. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 32.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 33. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 33.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 35. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 35.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 84. COMMENDING THE DELEGATION OF SOUTHERN AFRICAN WOMEN LEGISLATORS AND WELCOMING THEM TO ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature welcomes the distinguished Delegation of Southern African Women Legislators from Namibia, South Africa, and Zimbabwe sponsored by The Africa Fund; and

WHEREAS, The Africa Fund initiated this program by sponsoring a visit by a delegation of United States legislators to Southern Africa to promote involvement and increase links between state and municipal officials in United States policy towards Southern Africa counterparts, and to strengthen its legislative capacity; and

WHEREAS, hosting three highly regarded women legislators from Southern Africa, including Lucia Basson, M.M.A. Koti Nyama and Edna Madzongwe, this reciprocal delegation will be accompanied by Arkansas State Representative Irma Hunter Brown and Projects Director Dumisani S. Kumalo, who have provided outstanding professional leadership and involvement for The Africa Fund; and

WHEREAS, in sincere admiration of the many notable accomplishments of The Africa Fund, the Alabama Legislature acknowledges the invaluable contributions and vital role it has provided to Southern African women; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and commend the Delegation of Southern African Women Legislators from Namibia, South Africa, and Zimbabwe, and extend our sincere best wishes for continued future success.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to The Africa Fund Delegation for appropriate presentation and display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 84, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 85. RECOGNIZING LUCIA BASSON OF NAMIBIA, AFRICA, AND WELCOMING HER TO ALABAMA.

WHEREAS, on April 30, 1996, the Alabama Legislature is privileged to welcome Lucia Basson of Namibia, Africa, as one of a delegation of distinguished women legislators from Southern Africa visiting the United States; and

WHEREAS, sponsored and hosted by The Africa Fund, which initiated the project in 1995, the delegation is part of a project and reciprocal arrangement to promote the involvement of state and municipal officials in United States policy towards Southern Africa, increase links between state and municipal officials and their African Counterparts, and to strengthen legislative capacity, and Ms. Basson, with her wealth of knowledge and expertise, is indeed a worthy representative in this worthwhile effort; and

WHEREAS, she serves as Chairperson of the Management Committee of the Mariental Local Authority Council, a position she has held since 1994, and is trained in community development and reproductive health; and

WHEREAS, she also is Regional Coordinator of the Women's Council of the South West African People's Organization (SWAPO), the majority party in the Namibia Parliament and, as Chairperson of the Squatters Committee in Mariental, is working to improve the living conditions of thousands of families without proper housing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Lucia Basson of Namibia, Southern Africa, for her participation in this noble endeavor; welcome her before this body and to our state; and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 85, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 86. RECOGNIZING EDNA MADZONGWE OF ZIMBABWE, SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

WHEREAS, on April 30, 1996, the Alabama Legislature is privileged to welcome Edna Madzongwe of Zimbabwe, South Africa, as one of a delegation of distinguished women legislators from Southern Africa visiting the United States; and

WHEREAS, sponsored and hosted by The Africa Fund, which initiated the project in 1995, the delegation is part of a project and reciprocal arrangement to promote the involvement of state and municipal officials in United States policy towards Southern Africa, increase links between state and municipal officials and their African Counterparts, and to strengthen legislative capacity, and Ms. Madzongwe, with her wealth of knowledge and expertise, is indeed a worthy representative in this worthwhile effort; and

WHEREAS, Ms. Madzongwe is the first woman in the history of Zimbabwe to be elected Deputy Speaker of Parliament, chairs several Parliamentary Committees, and recently led Zimbabwe's Parliamentary delegation to the 4th World Conference on Women in Beijing; she also is Chairperson of the Zimbabwe Women Parliamentarians, and is the immediate past President of the World Women Parliamentarians for Peace; and

WHEREAS, in further service to her community, she gives generously and selflessly of her time and talents to work with several non-profit philanthropic organizations; as a member of the board of the Masasa Project, a program for battered women; and as a member of the Child Survival and Development Foundation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize Edna Madzongwe of Zimbabwe, South Africa, for her participation in this noble endeavor; welcome her before this body and to our state; and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 86, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 87. RECOGNIZING M.M.A. KOTI NYAMA OF SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

WHEREAS, on April 30, 1996, the Alabama Legislature is privileged to welcome M.M.A. Koti Nyama of South Africa, as one of a delegation of distinguished women legislators from Southern Africa visiting the United States; and

WHEREAS, sponsored and hosted by The Africa Fund, which initiated the project in 1995, the delegation is part of a project and reciprocal arrangement to promote the involvement of state and municipal officials in United States policy towards Southern Africa, increase links between state and municipal officials and their African Counterparts, and to strengthen legislative capacity, and Ms. Nyama, with her wealth of knowledge and expertise, is indeed a worthy representative in this worthwhile effort; and

WHEREAS, Deputy Speaker Nyama is a senior member of the Northern Province Legislature, one of the nine regional governments in South Africa, and Chairperson of Parliamentary Committees; and

WHEREAS, prior to her election in 1994, Ms. Nyama was an educator and an active member of the African National Congress (ANC) at the regional level, serving in the departments of education, arts and culture; she also led the Black Housewife League, is an executive member of the South African Democratic Teachers Union, and was recently a delegate to the 4th World Conference on Women in Beijing; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with highest commendation that we recognize M.M.A. Koti Nyama of South Africa for her participation in this noble endeavor; welcome her before this body and to our state; and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 87, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 131. NAMING THE BRIDGE OVER CODEN BAYOU ON HIGHWAY 188 THE RABBY MEMORIAL BRIDGE.

WHEREAS, on June 14, 1825, Pierre Rabby, one of four brothers who came to the Mobile area from New Orleans, purchased the land located from Coden Bayou to Clark Road; the property east of Shell Belt Road throughout Coden also belonged to the Rabby family; and

WHEREAS, with their practical ideals, the Rabby men, whose name was originally spelled with one "b", were involved in the shipping business, running schooners between New Orleans and Mobile from 1820 to 1830; and

WHEREAS, in 1832, Anatole Rabby, whose far-sighted efforts as a progressive leader put him in the forefront of the business industry, worked tirelessly and with unselfish devotion in a project known as "Portersville Road" to build roads, wharves, and bridges on Mississippi Sound, an area which became known as the French Coast; and

WHEREAS, Oscar, Clifton, and Charlie Rabby also kept the family vision alive while working with enthusiasm to build Coden Methodist Church along Coden Bayou and their outstanding support of community activities will long be remembered; and

WHEREAS, located on Rabby property, St. Michael's Catholic Church and cemetery are a credit to the community and have provided strong family ties to the Coden residents; and

WHEREAS, the Rabby family is deeply committed to its community responsibilities and have built its own unique traditions in Coden, or Portersville as it was referred to at that time; and

WHEREAS, the Rabby name also has played a vital role in the history of our French Coast, and as a tribute to their contributions to the Coden Bayou, it is our desire that the bridge over Coden Bayou be designated the Rabby Memorial Bridge; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That the bridge over Coden Bayou on Highway 188 is designated the Rabby Memorial Bridge in memory of all the Rabbys who helped established our French Coast and made it a much better place to live.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Velma Rabby Steele for appropriate family display.

FURTHER RESOLVED, That the appropriate state and local authorities are requested to erect and maintain signs or markers at the Coden Bayou Bridge.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.R. 131, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 105. DESIGNATING THE "PURPLE HEART VETERANS' OVERPASS" IN HUNTSVILLE, ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Oakwood Avenue Overpass on U.S. Highway 231 and U.S. Highway 431 in Huntsville, Alabama, also known as the North Memorial Parkway, is hereby designated the "Purple Heart Veterans' Overpass."

BE IT FURTHER RESOLVED, That the Department of Transportation is authorized to implement this resolution by erecting and maintaining appropriate signs and markers.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 105, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 567. (With Amendment): To further provide for the funding of state parks under the jurisdiction of the Department of Conservation and Natural Resources; to amend Section 9-2-106, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the state park fund; and to amend Section 9-2-107, Code of Alabama 1975, so as to provide for the continuous appropriation of certain interest to the State Park Revolving Fund.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 27. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

H. 464. To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

H. 4. Creating the General Fund Proration Prevention Act of 1997 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

H. 107. To provide for a FY 1996-97 supplemental appropriation in the amount of \$100,000 from the Board for Registration of Architects Fund to the Alabama Board for Registration of Architects.

H. 391. To provide for the employment, powers, duties, qualifications, and compensation for investigators of the Alabama Medicaid Agency; to grant peace officer status to the investigators upon meeting certain standards; and to exclude certain law enforcement overtime provisions from application to the investigators.

H. 235. To amend Sections 31-10-2 and 31-10-4 of the Code of Alabama 1975, relating to educational benefits for members of the Alabama National Guard; to provide further for benefits and eligibility requirements.

H. 345. To provide for a permanent Joint Legislative Oversight Committee on Community Services Grants.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 363. (With Amendments): To amend Section 36-29A-7, Code of Alabama 1975, to exempt the Department of Transportation from the State Employee Injury Compensation Program; and to provide for insuring department employees for on-the-job death or injury through the department's self-insurance program.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 245. Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

H. 394. To provide for the purchase and issuance of a temporary tag and issuance of a temporary registration for motor vehicles constructed within this state if the motor vehicle is to be permanently licensed in another jurisdiction; to provide for distribution of the net proceeds from the sale of the tags or plates; to provide for an appropriation; and to provide for a delayed effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 423. (With Amendment): To amend Sections 12-17-182 and 12-17-215 of the Code of Alabama 1975, to further provide for the compensation of district attorneys and supernumerary district attorneys.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 325. To establish a pension fund for Alabama fire fighters; to provide for the disposition of monies, deposits, investments, and the maintenance of books and records; to fix a monthly fee; to provide for eligibility criteria; to provide for refunds of contributions; to require reports and audits of the fund; and to restrict the assignability of rights.

H. 560. To provide for a supplemental appropriation to the Alabama Corrections Institution Finance Authority from the State General Fund for the fiscal year ending September 30, 1997 in the amount of \$7,000,000 for the completion of construction of Brent Correctional Facility.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 40. To prohibit the construction of a fence around the Autauga Campus of the Alabama Department of Youth Services.

H. 405. Authorizing the Department of Revenue to accept electronically filed tax returns of all types and to adopt rules and qualifications for tax returns and other documents filed electronically; establishes definitions, return and signature requirements specific to electronic filing; addresses the qualification of electronic return "Originators," "Transmitters," and associated computer software by "Software Developers;" and amends Section 40-1-1, Code of Alabama 1975, to establish, revise, and reorder certain definitions.

H. 472. To amend Section 36-26-100 of the Code of Alabama 1975, defining employees; to include for dismissal procedures, the production workers at the Alabama Industries for the Blind.

H. 364. Requiring that certain federal funds administered by a state department or agency be contracted to community action agencies on an annual basis.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 456. (With Amendment): Penalizing a state department or agency which withholds the disbursement of certain federal funds to community action agencies.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 448. To require licensing and permitting of certain persons who provide interpreting and transliterating services; to create the Alabama Licensure Board for Interpreters and Transliterators and provide for its duties; to provide for exemptions from licensure and permitting; to establish and monitor standards of professional practice; to regulate practice of interpreting and transliterating; and to provide penalties for violations.

H. 178. To repeal Section 14-3-59, Code of Alabama 1975, relating to the requirement that the Department of Corrections post the code sections and regulations regarding escapes by convicts in each cell and workshop.

H. 411. To amend Section 36-14-3 of the Code of Alabama 1975, to provide further for fees for services performed by the Secretary of State.

H. 556. To establish the Alabama Freelance Court Reporter Act; to provide for a board of directors, and its terms of office, duties, and powers; and to prescribe penalties.

H. 548. To amend Section 8-6-51, Code of Alabama 1975, as amended by Act No. 96-749, 1996 Regular Session; to include two additional members to the commission from the securities industry.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 189. (With Amendment): To amend Section 25-5-77, Code of Alabama 1975, relating to Workers' Compensation, to provide further for the medical treatment of injured employees.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 190. To provide for a construction industry work force education program in vocational schools, technical schools, trade schools, and colleges; to establish the Alabama Construction Industry Work Force Board; and to impose a construction permit surcharge to fund a construction industry work force program.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 314. (With Substitute): Relating to the establishment of the Patient Protection Act of 1997; to define terms; to provide that a managed care plan shall insure adequate coverage for and continuity of health care services; to prohibit restrictions on the disclosure of essential medical or appropriate health care information by physicians or providers to patients; to prescribe requirements that a managed care plan shall not offer financial incentives to providers as an inducement to limit or reduce medically necessary services; to prescribe requirements for provider panel selection and termination or deselection of providers by managed care plans; to require the establishment of grievance and appeal procedures for enrollees and providers; to require that managed care plans establish a quality assurance program; to designate the Department of Public Health as the agency to enforce the provisions of this act and adopt the rules and regulations in accordance with the Alabama Administrative Procedure Act; to authorize the State Department of Public Health to assess administrative fines for violations of the act; to prescribe a duty of ordinary care and good faith for managed care plans; to provide that the act shall not repeal the Health Care Service Utilization Review Act, the Medical Liability Act of 1987, the Medical Liability Act of 1996 or any other existing law; to amend the Patient Right to Know Act, Act 96-651, 1996 Regular Session, now appearing as Section 27-1-20, Code of Alabama 1975; and to prescribe that this act shall become effective October 1, 1997.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 413. To state the legislative purpose; to define terms; to require that no person shall practice medicine or osteopathy across state lines unless he or she has been issued a special purpose license to practice medicine or osteopathy across state lines; to authorize the Medical Licensure Commission to issue a special purpose license to an applicant certified by the State Board of Medical Examiners; to provide that a special purpose license shall be valid for a period of three years and may be renewed upon payment of a renewal fee established by the Medical Licensure Commission in its regulations; to provide that the issuance of a special purpose license subjects the licensee to the jurisdiction of the Board of Medical Examiners and Medical Licensure Commission; to provide that the Medical Licensure Commission is authorized to temporarily suspend a special purpose license on stated grounds; to provide that a licensee shall comply with all laws, rules, and regulations governing maintenance of patient medical records and patient confidentiality; to provide exemptions from the requirement to obtain a special purpose license; to provide sanctions for violation of the requirements of this act; to require that a special purpose license to practice medicine be issued only to physicians whose principal practice location is in a state which makes provision for reciprocal licenses to physicians and osteopaths practicing in the State of Alabama; to authorize the State Board of Medical Examiners and Medical Licensure Commission to adopt rules and regulations to affect the purposes of this act; and to provide for the effective date of this act.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 295. (With Amendment): To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 3. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

H. 374. Relating to Title 7 of the Code of Alabama 1975, the Uniform Commercial Code; to repeal the current Article 5 (commencing with Section 7-5-101) and replace it with a new Article 5 regarding letters of credit; and to provide for the following regarding letters of credit: A short title; definitions of terms; scope of Article 5; formal requirements for letter of credit documents; to state that consideration is not required for letter of credit documents; the issuance, amendment, cancellation, and duration of letters of credit; the obligations of a confirmer, nominated person, and adviser; issuer's rights and obligations; fraud and forgery as it relates to the beneficiary, issuer, or applicant; warranties; remedies for the beneficiary, successor, or nominated person for breaches of obligations of a letter of credit; transfer of a letter of credit; transfer by operation of law; assignment of proceeds of a letter of credit; statute of limitations to enforce a right or obligation under Article 5; choice of law and forum; subrogation of issuer, applicant, and nominated person; prospective applicability of the article; a savings clause for transactions of letters of credit occurring prior to the effective date of this act; and to amend the following sections of Title 7: Section 7-1-105 to provide for territorial application of Title 5 and the power of parties to choose applicable law; Section 7-2-512 to conform a reference to the new Article 5; Section 7-9-103 relating to perfection of security interests in multiple state transactions; Section 7-9-104 to exclude the application of Article 9 to a transfer of a letter of credit other than rights to proceeds; Section 7-9-105 to add references to definitions of "letter of credit" and "proceeds of a letter of credit" to Article 9; Section 7-9-106 to further define "account" and "general intangibles" to include rights to proceeds of letters of credit; Sections 7-9-304 and 7-9-305 to specify perfection of a security interest in proceeds of a letter of credit by filing and by taking possession; and to provide a prospective effective date of January 1, 1998.

H. 375. To provide for the Uniform Multiple-Person Accounts Act; to define terms; to specify accounts applicable; to specify forms; to provide for the designation of an agent; to specify application; to provide for ownership between parties and others; to specify rights at death and the alteration of rights; to provide that accounts and transfers are nontestamentary; to express rights of creditors and others; to specify authority of financial institutions, the payment on multiple-party accounts, the payment on a POD designation, the payment to a designated agent and a minor, and for discharge and setoff; and to provide for a short title, construction, application of principles of law, transitional provisions and a delayed effective date.

H. 569. To amend Section 5-3A-1 of the Code of Alabama 1975, relating to the duties of the Superintendent of the State Banking Department concerning banks organized under the laws of this state, to further provide for the time period for examinations of the banks.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

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H. 156. To amend Section 36-7-23, Code of Alabama 1975, relating to the departments and agencies who may have travel expenses prepaid, to specifically include certain officers and employees of the Department of Postsecondary Education and the two-year colleges that are under the jurisdiction of the department and the State Board of Education.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 157. (With Amendment): To provide for the presidents of two-year colleges under the jurisdiction of the Department of Postsecondary Education and the Department of Education to donate surplus property to certain local public high schools; and to provide for records of the transactions.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 237. To authorize the Chancellor of the Department of Postsecondary Education to approve out-of-state travel for certain officers and employees of the department and the presidents of certain two-year colleges.

H. 305. To amend Sections 41-16-21 and 41-16-51, Code of Alabama 1975, to exempt from competitive bidding all existing contracts that do not involve the expenditure of state funds and that are made for the selection of service contractors by or on behalf of public two-year and four-year colleges and universities of the state.

H. 223. To amend Section 16-4-15 of the Code of Alabama 1975, to change the date of the next required school census.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 341. (With Amendment): Providing for certain debit cards or credit cards for students enrolled in public institutions of higher education which may be used to purchase certain merchandise and services.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 410. To amend Section 16-27-6 of the Code of Alabama 1975, to require that students be seated while a school bus is in motion; and to require that the number of students on the bus be limited to the number of student seats available.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 290. (With Amendment): To amend Section 41-16-120 of the Code of Alabama 1975, to provide further for the distribution, transfer, or disposal of certain surplus state personal property.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 498. To amend Section 16-36-22, Code of Alabama 1975, relating to the substitution of state prescribed textbooks.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 384. (With Amendment): To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 450. Relating to policies of certain school boards; to require the posting of personnel vacancy notices before the positions are filled; to provide for the adoption of board policies; and to allow for the suspension of posting notices in emergency situations.

H. 56. To require each local school board to establish a written reduction-in-force policy.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 84. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the term of office of county commissioner; to provide for the commencement of the term of office of county commissioners in all counties; and to prohibit the county commission from meeting after the election of any member of the commission before the first scheduled meeting except in the case of a declared emergency.

H. 37. To authorize the city council of any Class 5 municipality with a city manager or a mayor commission form of government to adopt an alternate structure for the membership on the board of adjustment created pursuant to Section 11-52-80 of the Code of Alabama 1975; to authorize the city councils to provide by ordinance for the appointment of the board; and to provide for the number of concurring votes on the board.

H. 139. Relating to municipalities; to amend Section 11-51-91, Code of Alabama 1975, which relates to license taxes in the police jurisdiction of a municipality, to provide that any calculation as to the cost of providing services in the police jurisdiction shall not be required to be made based upon the incremental cost accounting method or any similar method which excludes therefrom the fixed or capital cost or expenditures of the municipality to provide services in the police jurisdiction and to provide that it shall be sufficient calculation that the municipality make a reasonable estimate of the cost of providing the services within the police jurisdiction, including any fixed or capital cost it deems reasonable; to provide that a municipal governing body may cease to levy and collect license taxes and sales and use taxes within its respective police jurisdiction and, at the same time, cease providing services in the police jurisdiction financed in whole or in part thereby and to establish a procedure for the implementation thereof; to provide for the return of excess taxes collected from the police jurisdiction; to provide immunity from any liability or damages arising out of or in any way associated with the decision to terminate police jurisdiction services and taxation in the police jurisdiction; to provide that no city or town shall be required or compelled through injunctive, declaratory, or any other form of equitable or mandatory relief by any court of competent jurisdiction of this state to continue to provide any services within its respective police jurisdiction; to provide that this act shall not prohibit any city or town from providing services in its police jurisdiction or elsewhere as it is otherwise authorized to do by state law; and to validate ordinances previously adopted and implemented whose purpose was to terminate services within the police jurisdiction and to terminate the levy and collection of license taxes and sales and use taxes within the police jurisdiction.

H. 141. To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 155. (With Amendment): To amend Section 22-27-3, Code of Alabama 1975; relating to the authority of local governing bodies to establish mandatory programs of solid waste collection and provide for exceptions to certain persons and entities; to provide further for exceptions for persons or entities served by a mandatory solid waste collection program established by a county.

H. 167. (With Amendment): To amend Sections 11-3-21 and 11-3-23, Code of Alabama 1975, requiring county commissions to publish, on a semiannual basis, an itemized financial report of receipts and expenditures of money for the county, to require publication of an itemized financial report on an annual basis.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 272. (With Amendments): To provide a system for compensating certain elected local officials based upon categories of the counties determined by county population.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 452. To allow two or more counties to establish a regional jail authority to maintain and operate a regional jail facility, which would serve as the county jail for each county participating in the regional jail authority; and to provide for the composition, terms, and powers of the board of directors of the regional jail authority, including the issuance of bonds by the authority.

H. 453. To provide further for the rights and interest in right-of-way property by a person who deeds property to the county or to a public entity, or whose property is taken by the county in condemnation proceedings for purposes of right-of-way.

H. 490. To authorize counties and incorporated municipalities to enter into written contracts with each other to perform any services common to all contracting entities; to establish the requirements for the contracts; to specify the contents of the contracts; to provide that the contracts may not authorize the joint exercise of the power to tax or to zone property except as specifically authorized by this act; and to provide that this act shall not affect any other laws which allow joint contracts between public entities.

H. 491. To authorize the incorporation of Alabama Drinking Water Finance Authority; to provide for the powers, authority and duties of its board of directors; to create and establish a state drinking water revolving loan fund; to authorize the authority to receive federal grants, state appropriations, and other appropriations

and contributions; to authorize the authority to make agreements with the United States of America and its agencies and department respecting the receipt, use and application of federal grants and contributions; to provide that the Alabama Department of Environmental Management shall be the agent of the authority in connection with the said revolving loan fund and loans made by the authority and to confer upon said department full power and authority to take such actions as shall be necessary to cause the authority and the department to be and remain eligible for assistance from the United States of America with respect to grants available for safe drinking water; to authorize the authority to borrow money for any of its corporate purposes; to provide for the issuance by the authority for any of its corporate purposes of bonds and other securities, to be sold and issued and payable at such times and on such conditions as the directors may determine; to provide that all bonds and securities shall be payable solely from the sources specified in this act, including, without limitation, proceeds of bonds or other securities, amounts on deposit in the said revolving fund, federal grants, loan repayments and interest income; to authorize the authority to refund any bonds issued by it at such times, in such amounts and on such terms at the directors shall determine; to authorize the authority to obtain such credit enhancement in connection with any borrowing as the directors may determine to be advantageous; to authorize the authority to make loans to certain public bodies in the state and to determine the conditions on which such loans are to be made; to authorize the authority to enforce the provisions of such loan and to authorize each public body which is the recipient of any such loan to make all agreements as a condition precedent to such loan as may be required by the authority, the Alabama Department of Environmental Management or federal law; to authorize the authority to invest the proceeds of bonds or other securities, amounts on deposit in the said revolving loan fund, amounts appropriated or contributed to the authority or the Alabama Department of Environmental Management, by the state or the United States of America or any public body receiving a loan; to authorize the authority to appoint and engage one or more banks to receive, invest and disburse, as specified by the Authority, all amounts on deposit in the said revolving loan fund and other funds received by the authority from any source; to exempt the authority from all laws of the state governing usury or prescribing or limiting interest rates; to exempt the property and income of the authority and all securities issued by the authority and the income from such securities and conveyances, leases, mortgages and deed of trust to which the authority is a party from all taxation in the state; to exempt the authority from all taxes, including license and excise taxes levied by any county, municipality or other political subdivision.

Representative Spratt, Chairperson of the Standing Committee on Highway Safety, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 74. To amend Sections 32-6-18 and 32-6-19 of the Code of Alabama 1975, relating to punishment for traffic violations; to impose an additional penalty of \$50 on any person found guilty of driving a motor vehicle with a revoked,

suspended, or cancelled driver's license or without a driver's license; to provide that the additional penalty minus a five percent administrative charge be allocated to the Traffic Safety Trust Fund in the State Treasury; and to provide that the Traffic Safety Section of the Alabama Department of Economic and Community Affairs administer the proceeds.

H. 335. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755 of the 1996 Regular Session, to provide further for enforcement of speed limits on highways by municipal law enforcement officers.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 250. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

H. 522. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 30. Relating to Houston County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for an auction and for the disposition of proceeds.

H. 31. Relating to Houston County; to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; and a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

H. 32. Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Morrison:

H. 574. To further regulate the discharge of sanitary sewage into the waters of this state; to provide for secondary and advanced waste treatment by the Alabama Department of Environmental Management; to prohibit the discharge of sanitary sewage and restrict solid waste disposal in or near certain waters of the state; and to provide penalties for violations.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Hogan and Box:

H. 575. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Athletic Trainers with certain modifications; to amend Section 34-40-5, Code of Alabama 1975, so as to clarify reciprocity requirements and authorize the board to levy license application and license renewal fees.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Millican and Box:

H. 576. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Sections 34-24-161 and 34-24-165, Code of Alabama 1975, so as to authorize the board to administer a national examination and levy a late license renewal fee.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 577. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1998 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to limit the authority of the board; require the

dismissal of current board members and the appointment of members to the board; provide further for the executive director and employees of the board; and repeal Section 34-7-45, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 578. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Counseling with certain modifications; to amend Sections 34-8A-4, 34-8A-5, 34-8A-6, 34-8A-7, and 34-8A-16, Code of Alabama 1975, so as to subject the board to the Alabama Sunset Law; provide for appointments and for board membership; provide further for the executive director; authorize reasonable packaging, processing, and examination fees; provide licensure for master's degrees in psychology; and authorize the levy and collection of administrative fines.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderford and Box:

H. 579. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Section 34-9-40, Code of Alabama 1975, so as to provide further for a dental hygienist member on the board.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Mitchell and Box:

H. 580. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Licensure for Professional Geologists.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 581. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Instrument Dealers until October 1, 1997.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hogan and Box:

H. 582. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifications; to amend Sections 34-14A-3, 34-14A-5, 34-14A-8, 34-14A-11, and 34-14A-14, Code of Alabama 1975, so as to provide for the membership of the board; require the

annual submission of financial information by licensees; authorize the levy of administrative fines; and to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Millican and Box:

H. 583. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Millican and Box:

H. 584. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Millican and Box:

H. 585. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Section 34-20-4, Code of Alabama 1975, so as to provide further for the membership of the board.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderford and Box:

H. 586. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-5, 34-22-22, 34-22-40, and 34-22-41, Code of Alabama 1975, so as require an annual limited license renewal fee; authorize the grading of continuing education courses, and waiver of registration and fees for retired licensees; to provide for board membership; and to provide further for the authority of the executive director.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Hogan and Box:

H. 587. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderford and Box:

H. 588. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-192, Code of Alabama 1975, so as to provide further for the membership of the board.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Mitchell and Box:

H. 589. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Podiatry with certain modifications; to amend Section 34-24-255, Code of Alabama 1975, so as to delete the citizenship requirement for licensure, include a knowledge of practice test in the examination for licensure, and to add Section 34-24-258 to the Code of Alabama 1975, so as to authorize the board to operate through a bank account outside of the State General Fund.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 590. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Mitchell and Box:

H. 591. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners for Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-1 to 34-28A-44, inclusive, Code of Alabama 1975, so as to make technical changes regarding gender-neutral language and terminology relating to speech-language pathology, speech-language pathology assistants, and audiology assistants; to modify license application and renewal deadlines; to provide for the registration of speech-language pathology assistants and audiology assistants with registration and annual renewal fees; and to provide further for the membership of the board.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Sanderford and Box:

H. 592. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-69 and 34-29-91, Code of Alabama 1975, so as to expand the subpoena power of the board, delete the citizenship requirement for licensure, and provide for an inactive license.

COMMITTEE ON STATE ADMINISTRATION

By Representative Johnson (R):

H. 593. To amend Section 41-9-591, Code of Alabama 1975, relating to the Alabama Criminal Justice Information Center; to authorize certain user fees by the center for computer access and computer equipment; to create a special account for those fees in the State Treasury; and to provide for the use of the fees.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw:

H. 594. To amend Section 32-5A-191 of the Code of Alabama 1975, as amended by Act 96-341, S. 208, 1996 Regular Session (Acts 1996, p. 416), and by Act 96-705, S. 182, 1996 Regular Session (Acts 1996, p. 1176), relating to driving under the influence of alcohol and drugs; to provide that the sentence of a person who is convicted of driving a motor vehicle while under the influence of alcohol or a controlled substance shall be enhanced if the person has been arrested for driving a motor vehicle while under the influence of alcohol or a controlled substance within a five-year period and a conviction was the result of the arrest; and would stay the five-year period upon the arrest pending the disposition of the case.

COMMITTEE ON JUDICIARY

By Representative Hinshaw:

H. 595. To amend Section 32-5A-4 of the Code of Alabama 1975, to provide a school crossing guard with certain traffic control authority.

COMMITTEE ON JUDICIARY

By Representatives Hinshaw, Millican, Robinson, Hall (A), Laird, Drake, Hilliard, Spratt, Hall (L), McClammy, Morrison, Johnson (R), Page, Galliher, Letson, Burke, and Papucci:

H. 596. To exempt from property tax the principal residence and 160 adjacent acres of a person 65 years of age or older who has taxable income of \$12,000 or less.

COMMITTEE ON WAYS AND MEANS

By Representative Galliher:

H. 597. Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to

provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

COMMITTEE ON INSURANCE

By Representatives Rogers (M), Willis, Gipson, Petelos, Page, and Guin:

H. 598. To appropriate funds from the State General Fund to the Alabama Association of Rescue Squads, Inc.; to employ a full-time executive director; to purchase, maintain, and operate equipment; and to maintain and staff a state office.

COMMITTEE ON WAYS AND MEANS

By Representative Lindsey:

H. 599. To make an appropriation from the General Fund in the State Treasury to the Department of Agriculture and Industries, in the amount of one hundred fifty thousand dollars (\$150,000) for the fiscal year ending September 30, 1998.

COMMITTEE ON WAYS AND MEANS

By Representative Perdue (With Notice and Proof):

H. 600. Relating to Jefferson County; to amend Sections 2, 3, 4, 7, 8, 9, 11, 12, and 14 of Act No. 259, H. 530 of the 1943 Regular Session, as amended, to provide further for the Expeditious and Economical Tax Appeals Act by allowing the jury to set the reasonable and fair market value of real property; deleting the consolidation of multiple parcels; establishing the original assessment as prima facie value; requiring payment of taxes based upon the prior year assessment while an appeal is active; and requiring payment of interest and costs.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 600, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Crigler, Clouse, Gaston, Seibenhener, Dean, Pringle, Hooper, Wren, Sanderford, Hill, Hall (A), Box, Dolbare, Venable, Hinshaw, Hogan, Papucci, Letson, McKee, McMillan, Burke, Ford, Fuller, Allen, Smith, Robinson, Hawkins, Sims, Carothers, Payne, Morrow, Galliher, Millican, Vance, Gipson, Townsend, Parker (T), White, Moore, Layson, Mitchell, Warren, and Minnifield:

H. 601. To propose an amendment to the Constitution of Alabama of 1901 to provide that the people may initiate the enactment of general laws or constitutional amendments by an initiative or may reject statutes or local resolutions and ordinances by local governing bodies through the procedure of referendum petition and election.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representatives Johnson (E), Vance, Thomas (D), Hinshaw, Haney, Petelos, Rogers (M), Graham, Dukes, Sanderford, Minnifield, Seibenhener, Baker, Hilliard, Maull, McKee, Jackson, Hayden, Clouse, McClammy, Penry, Hogan, Willis, Sims, Parker (T), Hall (L), Carothers, Johnson (R), Hooper, Hall (A), Robinson, and Smith:

H. 602. To require the retailer of coffins and caskets to be a licensed funeral director or embalmer conducting business from a licensed funeral establishment; and to prescribe a penalty for a violation of this act.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representative Hooper:

H. 603. To provide for distinctive motor vehicle license plates for supporters of the Alabama Sports Festival, Inc.; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Thomas (D) and Galliher (With Notice and Proof):

H. 604. Relating to St. Clair County; to prohibit any utility company, board, corporation, or commission, excluding any communications utility, which provides service in St. Clair County from providing the service to any dwelling or structure until a certificate of approved sanitation has been issued by the county health officer or his or her authorized representative; and to provide civil remedies for violations.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 604, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hawk:

H. 605. To add Section 13A-12-27.1 to Title 13A, Chapter 12, Code of Alabama 1975, to prohibit the possession or use of video poker machines; to prescribe a penalty for violation of the section; and to amend Section 13A-12-28, to include video poker machines.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Ford:

H. 606. To amend Section 25-4-78, Code of Alabama 1975, relating to disqualifications for unemployment compensation benefits, to remove lockout from the disqualifications.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representatives Knight (J), McClammy, and Dolbare:

H. 607. To amend Section 16-13-140, Code of Alabama 1975, relating to budgeting for local boards of education; to require public hearings on proposed annual budgets.

COMMITTEE ON EDUCATION

By Representatives Carothers, Johnson (R), Millican, Newton (C), and Hooper:

H. 608. To create the Office of Administrative Hearings; to provide for the appointment of a Chief Administrative Law Judge and administrative law judges; and to provide for qualifications, compensation, powers, and duties of the office and the positions.

COMMITTEE ON STATE ADMINISTRATION

By Representative Thomas (D):

H. 609. To amend Section 38-7-5 of the Code of Alabama 1975, relating to licenses to operate or conduct child care facilities; to provide for the provisional approval of relatives, godparents, or other individuals to become a foster family.

COMMITTEE ON STATE ADMINISTRATION

By Representative Fuller:

H. 610. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 611. Relating to policies of certain school boards; to require each local school board to establish a written reduction-in-force policy.

COMMITTEE ON EDUCATION

By Representative Laird:

H. 612. To prohibit an insurance company from denying health or disability coverage or benefits of an applicant or insured upon diagnosis of dyslexia.

COMMITTEE ON INSURANCE

By Representative Parker (T):

H. 613. To make an appropriation of \$150,000 from the State General Fund to the Children's Hands-on Museum for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Jorgensen, Hawk, Papucci, Hall (L), Gipson, and Rogers (M):

H. 614. Relating to the operation of motor vehicles; requiring, as a condition of registration and licensing a motor vehicle, proof of a motor vehicle liability insurance policy, in force, from a licensed insurance company, or certain other financial responsibility; setting the policy coverage; providing penalties for violations; providing for an effective date; and providing for certain exceptions.

COMMITTEE ON INSURANCE

By Representatives Jorgensen, Hinshaw, Sanderford, and Papucci:

H. 615. To provide that as a condition of eligibility for unemployment compensation, temporary employees shall contact the temporary help firm for new work upon completion of a temporary assignment.

COMMITTEE ON BUSINESS AND LABOR

By Representatives McDaniel, Allen, Murphree, Hawk, Lindsey, and Layson:

H. 616. To amend Section 16-13-233, Code of Alabama 1975; to further provide for transportation of students who live within two miles from the school they are attending.

COMMITTEE ON EDUCATION

By Representatives McDaniel, Sanderford, and Layson:

H. 617. To amend Sections 6-6-1 and 8-1-41, Code of Alabama 1975, relating to arbitration, to make agreements to arbitrate future controversies enforceable.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Johnson (R):

H. 618. To amend Section 40-12-252, Code of Alabama 1975, to provide an option for owners of truck or tractor trailers to register their trailers for as long as they own them and to provide for an optional permanent registration fee for such trailers.

COMMITTEE ON STATE ADMINISTRATION

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 292. To establish a toll-free telephone number in the Office of the Attorney General for reports of violations of the Americans with Disabilities Act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 292. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Freeman and Langford:

S. 19. To amend Section 40-21-123, which provides for the collection and distribution of the cellular radio telecommunications services tax, so as to provide for the appropriation of as much as necessary of the tax revenue for the payment of principal and interest on the outstanding bonds issued by the Alabama Revolving Loan Fund Authority; and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 19. Industrial Development and Economic Growth.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 157. To amend Sections 38-9A-1, 38-9A-2, 38-9A-3, 38-9A-4, 38-9A-5, and 38-9A-6, Code of Alabama 1975, relating to the program for in-home services and equipment for persons with developmental disabilities to continue and further provide for the operation and funding of the program; to provide for tax exemption from all municipal, county, and state taxes; and to amend Section 9 of Act 93-334, S. 421, 1993 Regular Session, relating to termination so as to make the services and program permanent.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 157. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 287. To amend Section 32-6-233.1 of the Code of Alabama 1975, relating to unauthorized use of handicapped parking places; to provide further for the penalties; to further specify the prohibition on unauthorized persons parking in parking zones designated for handicapped persons at certain private businesses; to provide for the posting of the amount of the fine for a violation on signs designating handicapped parking places; and to provide for the enforcement of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 287. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Dixon, Hill, Adams, and Dial:

S. 226. To amend Section 36-16-8 of the Code of Alabama 1975, to provide further for duties of the State Auditor related to inventory control of state property.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 226. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Poole:

S. 192. To require the State Board of Education to make the public high school graduation examination available to nonpublic high school students for a reasonable fee.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 192. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Biddle, Denton, Bedford, Myers, Mitchell, Lindsey, Ghee, Freeman, Roberts, Hale, Smith, Amari, Dial, Little, Waggoner, Steele, Armistead, Langford, Butler, Smitherman, McClain, Lipscomb, Windom, Mitchem, Adams, Bailey, Sanders, Davidson, Barron, Hill, Figures, Clay, and Dixon:

S. 392. To require the Alabama Department of Transportation to use the English system of measurement for all measurement purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 392. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Butler:

S. 309. To amend Section 40-21-80, Code of Alabama 1975, to exclude Internet systems from the definition of computer exchange service for utility taxation purposes.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 309. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Windom and Myers:

S. 63. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 63. Navigation and Waterways.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Windom and Bedford:

S. 322. To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 322. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Lindsey:

S. 341. To state the legislative purpose; to define terms; to require that no person shall practice medicine or osteopathy across state lines unless he or she has been issued a special purpose license to practice medicine or osteopathy across state lines; to authorize the Medical Licensure Commission to issue a special purpose license to an applicant certified by the State Board of Medical Examiners; to provide that a special purpose license shall be valid for a period of three years and may be renewed upon payment of a renewal fee established by

the Medical Licensure Commission in its regulations; to provide that the issuance of a special purpose license subjects the licensee to the jurisdiction of the Board of Medical Examiners and Medical Licensure Commission; to provide that the Medical Licensure Commission is authorized to temporarily suspend a special purpose license on stated grounds; to provide that a licensee shall comply with all laws, rules, and regulations governing maintenance of patient medical records and patient confidentiality; to provide exemptions from the requirement to obtain a special purpose license; to provide sanctions for violation of the requirements of this act; to require that a special purpose license to practice medicine be issued only to physicians whose principal practice location is in a state which makes provision for reciprocal licenses to physicians and osteopaths practicing in the State of Alabama; to authorize the State Board of Medical Examiners and Medical Licensure Commission to adopt rules and regulations to affect the purposes of this act; and to provide for the effective date of this act.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 341. Health.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Ghee:

S. 333. Relating to the punishment of sex offenders; to provide for the use of medroxyprogesterone treatment for persons convicted of certain sex offenses against a child under the age of 13 years.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 333. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Freeman and Langford:

S. 20. To authorize the incorporation of the Alabama Revolving Loan Fund Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 20. Industrial Development and Economic Growth.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 132. COMMENDING JOHN HARTON LIVINGSTON ON HIS INDUCTION INTO THE ALABAMA AGRICULTURAL HALL OF HONOR.

Also:

By Representative Turnham:

H.R. 133. COMMENDING L. AUBREY SMITH ON HIS INDUCTION INTO THE ALABAMA AGRICULTURAL HALL OF HONOR.

Also:

By Representative Turnham:

H.R. 134. COMMENDING MILTON A. WENDLAND ON HIS INDUCTION INTO THE ALABAMA AGRICULTURAL HALL OF HONOR.

Also:

By Representative Turnham:

H.R. 135. HONORING DR. WILLIAM H. TAYLOR.

Also:

By Representative Turnham:

H.R. 136. HONORING THE LATE FRANK SELMAN ARANT.

Also:

By Representatives Melton and Spratt:

H.R. 137. COMMENDING DR. CHESTER ARTHUR FREDD, SR., FOR OUTSTANDING EDUCATIONAL AND RELIGIOUS SERVICE.

Also:

The following resolutions were introduced:

By Representative Buskey:

H.R. 138. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO HOUSE BILL 160.

The resolution, H.R. 138, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Allen, Parker (T), Melton, Layson, Hayden and Guin:

H.J.R. 139. COMMENDING JERRY BELK FOR DISTINGUISHED SERVICE.

The resolution, H.J.R. 139, was read and referred to the Standing Committee on Rules.

Also:

By Representative Turnham:

H.J.R. 140. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

The resolution, H.J.R. 140, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hooper and Thomas (J):

H.J.R. 141. DESIGNATING THE PINE BURR QUILT AS THE OFFICIAL QUILT OF THE STATE OF ALABAMA.

The resolution, H.J.R. 141, was read and referred to the Standing Committee on Rules.

Also:

By Representative Lindsey:

H.J.R. 142. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

The resolution, H.J.R. 142, was read and referred to the Standing Committee on Rules.

Also:

By Representative Lindsey:

H.J.R. 143. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

The resolution, H.J.R. 143, was read and referred to the Standing Committee on Rules.

Also:

By Representative Turner:

H.J.R. 144. COMMENDING BRANDON STRICKLAND OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

The resolution, H.J.R. 144, was read and referred to the Standing Committee on Rules.

Also:

By Representative Melton:

H.J.R. 145. COMMENDING DR. CHESTER ARTHUR FREDD, SR., FOR OUTSTANDING EDUCATIONAL AND RELIGIOUS SERVICE.

The resolution, H.J.R. 145, was read and referred to the Standing Committee on Rules.

Also:

By Representative Sims:

H.J.R. 146. URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REFRAIN FROM RESTRICTING OUTDOOR GRILLING AND COOKING.

The resolution, H.J.R. 146, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hall (A), Sanderson, Hinshaw and Robinson:

H.J.R. 147. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.

The resolution, H.J.R. 147, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smitherman, McClain, Amari, Mitchell, Biddle, Escott-Russell, Waggoner, Armistead, Bedford, Freeman, Dixon, Clay, Hill, Steele, Smith, Myers, Bailey, Little, Davidson, Langford, Lipscomb, Adams, Barron, Butler, Denton, Dial, Figures, Ghee, Hale, Lindsey, Mitchem, Poole, Roberts, Sanders, and Windom:

S.J.R. 38. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 38, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Dial, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 36. MOURNING THE DEATH OF CALVIN ELLINGTON JAMES, SR.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 36, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

ADJOURNMENT

On motion of Representative Carter, the House adjourned until 1:00 o'clock p.m., Tuesday, February 25, 1997.

SEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, February 25, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Morrel Todd, Lee's Chapel Baptist Church, Brookside, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jonathan Hitt, 11th Grade, Covenant Christian Academy, Huntsville, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the sixth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the sixth legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Hammett, leaves of absence were granted for Representatives Smith, Knight (A) and Parker (T).

RESOLUTION

The following resolution was introduced:

By Representative Carter:

H.J.R. 148. RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn on Thursday, February 27, 1997, they adjourn to meet again on Tuesday, March 4, 1997, and when they adjourn on Tuesday, March 4, 1997, they adjourn to meet again on Thursday, March 6, 1997, and when they adjourn on Thursday, March 6, 1997, they adjourn to meet again on Tuesday, March 11, 1997, and when they adjourn on Tuesday, March 11, 1997, they adjourn to meet again on Thursday, March 13, 1997, and when they adjourn on Thursday, March 13, 1997, they adjourn to meet again on Tuesday, March 18, 1997, and when they adjourn on Tuesday, March 18, 1997, they adjourn to meet again on Wednesday, March 19, 1997, and when they adjourn on Wednesday, March 19, 1997, they adjourn to meet again on Thursday, March 20, 1997, and when they adjourn on Thursday, March 20, 1997, they adjourn to meet again on Tuesday, March 25, 1997, and when they adjourn on Tuesday, March 25, 1997, they adjourn to meet again on Thursday, March 27, 1997.

On motion of Representative Carter, the rules were suspended and the resolution, H.J.R. 148, was adopted.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Carter, the rules were suspended in order to permit the Standing Committee on State Administration to meet while the House is in Session.

MOTION TO ADJOURN ADOPTED

Representative Carter offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, February 27, 1997, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 139. COMMENDING JERRY BELK FOR DISTINGUISHED SERVICE.

WHEREAS, the Alabama Legislature notes with highest commendation the extraordinary accomplishments of Jerry Belk over his distinguished career spanning some 30 years as director of Tuscaloosa County Park and Recreation Authority (PARA); and

WHEREAS, Jerry Belk, who will phase-in his retirement over the next two years, stepping down from his position January 1, 1997, and formally retiring January 1, 1998, began his longtime tenure with PARA in 1966, as manager of a four-man city recreation department which three years later merged with Northport and Tuscaloosa County's small recreation programs to form PARA, a countywide organization; and

WHEREAS, over the last three decades of his long and dedicated tenure, Jerry Belk has worked with steadfast commitment and diligence in the best interests of PARA and the citizens of Tuscaloosa County, and has been successful in the achievement of many self-established goals in meeting the ever-increasing demands for more recreational areas and facilities; and

WHEREAS, under his dynamic leadership and direction, many new park lands such as Sokol, Palmore, and Bowers have been added; River Road Park was incorporated into the system; the River Road Youth Sports Complex was developed; the Arts Council of Tuscaloosa became a part of PARA; two Olympic-sized swimming pools were built; and plans have been set in motion for even greater expansion; and

WHEREAS, beyond the demands of his career, Jerry Belk also has provided invaluable leadership and support to countless professional, civic and community organizations including the Tuscaloosa Chamber of Commerce, Exchange Club, City P.T.A. Council, Salvation Army, United Way, Church Recreation Committee, Alberta P.T.A., Alabama Recreation and Parks Association, National Recreation and Parks Association, and, most recently, the University of Alabama Recreation Committee, Tuscaloosa County Human Resource Board, and "A" Club Alumni Association, among others; and

WHEREAS, a native of Tuscaloosa, Jerry Belk earned his B.S. and Master's degrees from the University of Alabama and, following two years of military service in the United States Army, taught and coached at Holt High School in Tuscaloosa County before joining PARA in 1966; he is married to the former Loretta Lancaster, his devoted and supportive wife of many years, and they are the proud parents of a son, Jerry, Jr., and daughter, Mary Jo; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Jerry Belk for outstanding achievement and service and direct that he receive a copy of this resolution of sincere tribute and best wishes for every future happiness and success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 139, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 140. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the death of Edith Ragan Ingram of Montgomery, Alabama, on February 6, 1997, at the age of 66 years; and

WHEREAS, a native of Centre, Alabama, and a longtime and highly regarded member of the Montgomery community, Edith Ragan Ingram graduated from Cherokee County High School and attended Jacksonville State College; and

WHEREAS, she was the devoted wife of Robert B. "Bob" Ingram, a loving mother to daughter and son-in-law, Beth and Tom Lambert; sons and daughters-in-law, Burr and Jan Ingram, and Ragan and Karen Ingram; the cherished sister of Pat Coin and her husband Mike; and a proud and adoring grandmother to eight beautiful grandchildren; and

WHEREAS, Edith Ingram was a kind and gracious lady of remarkable strength and courage, who lived in concern for her family and others, whose lives are infinitely better for having been touched by her warm and gentle presence; and

WHEREAS, she also was a woman of deep and abiding faith, and had been a devoted and faithful member of Cloverdale Baptist Church for more than 40 years, where she had served as Secretary of the Sunday School Department; and

WHEREAS, the lamentable death of Edith Ragan Ingram is indeed an immeasurable loss for the community, her beloved family, and many friends who, though deeply grieved in her loss, find solace in their many cherished memories; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are indeed saddened by the death of Edith Ragan Ingram of Montgomery, Alabama, and, by copy of this resolution extend our deepest sympathy to her beloved family and many, many friends.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 140, was adopted.

CO-SPONSORS ADDED

The following were added as co-sponsors to the resolution, H.J.R. 140:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 141. DESIGNATING THE PINE BURR QUILT AS THE OFFICIAL QUILT OF THE STATE OF ALABAMA.

WHEREAS, the Freedom Quilting Bee was organized as an outgrowth of the Civil Rights Movement in 1966, one of the few all-Black women's cooperatives in the country; and

WHEREAS, the Freedom Quilting Bee has achieved national recognition for its quilts by using designs that come from 140-year-old tradition; and

WHEREAS, China Grove Myles, a farmer, was the only one left in Gee's Bend who could sew the Pine Burr Quilt, a pattern involving hundreds of tedious swatches that unfold before the eye in a breathtaking, three-dimensional effect; and

WHEREAS, Nettie Young, also a farmer, is the only woman now working at the Bee who was among its originators, and who typifies the history of the Black race in Alabama; and

WHEREAS, quilts and artifacts of the Civil Rights era, which will be presented and stored in the Freedom Quilting Bee, will provide an accurate documentation of the events taking place throughout the nation during this significant period in American history; and

WHEREAS, a love and understanding of the history of our state are enhanced by traditions that have become a part of our way of life and the customs of the American people, and the official recognition of the Pine Burr Quilt will indeed enhance the cultural statue of Alabama both nationally and internationally; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a meaningful symbol for a state quilt, the Pine Burr Quilt is hereby designated as the official state quilt of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Freedom Quilting Bee with sincere best wishes for future success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 141, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 142. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

WHEREAS, on January 1, 1997, Dr. Stephen Blaine Jones, formerly of Pennsylvania State University, was appointed the first Director of the new unified Alabama Cooperative Extension System, including both Auburn University and Alabama A & M University Cooperative Extension Programs; he also was named a full Professor in the School of Forestry at Auburn University; and

WHEREAS, the energetic 45-year-old Dr. Jones is eminently qualified for the position of extension director, both in terms of academic credentials in an agricultural related area, and in terms of his professional experiences in higher education and the private sector; and

WHEREAS, Dr. Jones is familiar with the state and its needs, especially in the food and fiber sector, and was, from 1981 to 1985, employed with Union Camp Corporation in Prattville, managing company lands in 28 Alabama counties; and

WHEREAS, as Extension Director, he is in charge of 900 employees on the state and local level to deliver much needed extension educational programs to help Alabama's residents, families, communities, and businesses; and

WHEREAS, Dr. Jones has expressed a strong commitment to revitalize Alabama Extension programs for the state's agricultural and forestry industries and extension clientele in these areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the committees charged with legislative initiatives in agriculture, forestry, and natural resources, as well as the Alabama Legislature, wish to commend Dr. Stephen B. Jones as the new Director of the Alabama Cooperative Extension System.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Dr. Jones with highest praise and best wishes for future success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 142, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 143. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

WHEREAS, on March 4-7, 1997, the current Class VI of the Alabama Agriculture and Forestry LEADERS Program is participating in a Montgomery session to study state government as part of its two-year curriculum in leadership development and public policy education; and

WHEREAS, the 30 Class VI participants are emerging leaders recruited from all geographic regions of the state and are all, by vocation, associated with the state's agricultural, forestry, or related industries; and

WHEREAS, the program is administered by the Alabama Cooperative Extension System and Auburn University's College of Agriculture and School of Forestry, with Auburn University's College of Veterinary Medicine cooperating; and

WHEREAS, the LEADERS Program is funded by a strong partnership of public and private funding, which is a model for other educational programs in the future; and

WHEREAS, founded in 1983, the program is 14 years old with 137 graduates; the current class contributes key leadership roles within their respective commodity organizations relating to agriculture and forestry, and, just as importantly, giving leadership to local civic and community efforts of all kind to benefit the state as a whole; and

WHEREAS, the committees charged with legislative initiatives in agricultural, forestry, and natural resource areas, and the Alabama Legislature, wish to note Class VI's visit to Montgomery to study state government in depth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature most highly commends Class VI of the Alabama Agriculture and Forestry LEADERS Program as it convenes in Montgomery.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the Program, Dr. Dennis A. Evans, Auburn University, for appropriate display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 143, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 144. COMMENDING BRANDON STRICKLAND OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, in a desire to recognize young Alabamians of outstanding achievement, it is with special pleasure that the Alabama Legislature notes the exceptional accomplishment of Brandon Strickland of Wilmer, Alabama; and

WHEREAS, young Brandon, the 16 year-old son of Ken and Dawna Strickland, is a special young man of uncommon talent and ability with an impassioned desire to preserve and protect our natural resources; and

WHEREAS, from his active participation in 4-H and through his 4-H project, Brandon has learned the critical and urgent need for conservation and has gained a wide range of experience and knowledge in the field; he has attended meetings, camps, and read avidly on the subject, and among many other activities has helped maintain a pond, repaired nature trails, and participated in recycling activities involving paper, plastic, and trees, for which efforts he has received 43 honors and awards; his endeavors have also extended into the community as a member of the Youth Conservation Committee and the Keep Mobile Beautiful Teen Team, and through participation in the coastal clean up and the Arbor Day Tree Give-Away, among other involvements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Brandon Strickland of Wilmer, Mobile County, Alabama, a young man of whom we are justly proud, and for whom a copy of this resolution shall be provided that he may know of our sincere admiration and warm best wishes for every future happiness and success in life.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 144, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 145. COMMENDING DR. CHESTER ARTHUR FREDD, SR., FOR OUTSTANDING EDUCATIONAL AND RELIGIOUS SERVICE.

WHEREAS, Dr. Chester Arthur Fredd, Sr., a native of Hale County, is to be commended on his long and distinguished record of educational and religious service; and

WHEREAS, he earned his B.S. and M.Ed. degrees from Alabama State University, pursued Doctoral Study in Educational Administration, University of Buffalo, and received a Doctor of Letters, Selma University; and

WHEREAS, Dr. Fredd, who is man of great substance and effectiveness, was principal of Fayette and Colony Junior High Schools and also raised money for the construction of Morgan and Hale County Schools; and

WHEREAS, a member of Salem Missionary Baptist Church, Dr. Fredd also serves as Pastor Emeritus of The Greater Fourteenth Street Baptist Church where his style of ministry and leadership is greatly admired; and

WHEREAS, he is an educator and gentleman who did much to set a strong foundation for our youth, and was the first president of Tuscaloosa State Technical College, now the C. A. Fredd State Technical College named in his honor; and

WHEREAS, the recipient of numerous honors and awards, Dr. Fredd received the 1974 Centennial Anniversary Award from Alabama State University and 1975 Centennial Anniversary Award from Alabama A & M University; and

WHEREAS, he has been equally committed as a Charter Member of the Board of Trustees, Selma University, and as a member of the Greensboro Zoning Board; he also is on the Advisory Board for the Citizens Bank of Greensboro and Citizens Federal and Savings Bank of Eutaw; and

WHEREAS, Dr. Fredd, an intensely involved and valued member of his community, is an ardent supporter of the Masonic Lodge, Prince Hall Affiliation, and Omega Psi Phi Fraternity; and

WHEREAS, Dr. Chester Arthur Fredd, Sr., is married to his loving wife, Hattie Beatrice Long, and they are the proud parents of three children, Doris, Lois, and Chester, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. Fredd has indeed brought professionalism, honor, esteem, and respect in his educational and religious endeavors and, by copy of this resolution, extended sincere best wishes for good health and happiness.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 145, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 36. MOURNING THE DEATH OF CALVIN ELLINGTON JAMES, SR.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 36.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 38. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 38.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 123. REQUESTING STATE OFFICES AND AGENCIES TO WORK TOGETHER TO DEVELOP A RECOMMENDATION FOR A STREAMLINED APPROACH FOR BUSINESS LICENSING AND PERMITTING IN THE STATE OF ALABAMA.

WHEREAS, new ventures and existing businesses often face a dizzying labyrinth of paperwork, licenses, and agencies before they may commence business in Alabama; and

WHEREAS, time and money for business and government can be saved by developing a system where much of the forms, data, license applications, fees, and related taxes can be collected in a single step; and

WHEREAS, the State of North Carolina has successfully implemented a "one-stop" licensing and permitting system for businesses; and

WHEREAS, cutting "red tape" to make it easier for businesses in Alabama to operate efficiently is an essential element in supporting the economic development of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the following agencies and offices in state government to cooperate with the Office of the Secretary of State in order to develop a proposal, including any necessary legislation, to consolidate and coordinate the distribution and receipt of forms, data, license applications, fees, and related taxes pertaining to the operation of businesses in Alabama: Alabama Department of Industrial Relations; Alabama Department of Revenue; Alabama Department of Environmental Management; Alabama Department of Economic and Community Affairs; Alabama Development Office; Legislative Fiscal Office; Alabama Department of Public Health; and the Commissioner of Agriculture and Industries.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the head official of each of these offices, departments, or agencies.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 123, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 109. DIRECTING THE DEPARTMENT OF REVENUE, THE LEGISLATIVE FISCAL OFFICE, AND THE HOUSE WAYS AND MEANS COMMITTEE TO JOINTLY CONDUCT AN ANALYSIS OF THE COSTS AND BENEFITS OF COMBINED OR CONSOLIDATED INCOME TAX REPORTING BY AFFILIATED CORPORATIONS.

WHEREAS, corporations doing business in Alabama that are commonly owned are permitted to file a consolidated tax return for federal income tax purposes, and at least a majority of states imposing a corporate income tax recognize either a similar privilege or permit or require affiliated corporations to file a "combined" income tax return with the other members of their unitary group under prescribed conditions; and

WHEREAS, the Department of Revenue requires each corporation doing business in Alabama, and subject to the corporate income tax, to file a separate state income tax return; and

WHEREAS, providing for either combined or consolidated income tax reporting by affiliated or unitary corporations may often better reflect the economic activity of the affiliated or unitary group within Alabama, while separate income tax reporting may unfairly penalize a related group of corporations doing business in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Department of Revenue, in cooperation with the Legislative Fiscal Office and the Committee on Ways and Means, is directed to conduct a study of the possible effects, including the impact on the business community and related revenue estimates, of permitting corporations doing business in Alabama to elect to file either combined or consolidated income tax returns with other members of their unitary or controlled group, respectively. The study shall include comparisons to other states, such as Kentucky and Florida, and consideration of possible limitations on the election, such as: (1) a minimum period of between 7 to 10 years during which the election would be binding on the group; (2) a prohibition on the group's use of net operating losses incurred in years prior to making the election, except to offset any income earned by the corporation that originally incurred the net operating loss; and (3) so-called "water's edge" restrictions on combined reporting.

BE IT FURTHER RESOLVED, That the Department of Revenue is further directed to issue its report to the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives by December 1, 1997, and make such report available to the media thereafter, provided that no information related to a particular taxpayer or that would reasonably lead to the identification of a particular taxpayer shall be released to the public, in accordance with Section 40-2A-10 of the Code of Alabama 1975.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 109, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 147. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislative Reapportionment Office is directed to make available to each member of the Legislature, upon request and without charge, maps of legislative districts designated by the respective member, not to exceed ten maps in any fiscal year.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the Legislative Reapportionment Office.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 147, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 146. URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REFRAIN FROM RESTRICTING OUTDOOR GRILLING AND COOKING.

WHEREAS, it has come to our attention that there may be serious consideration by the United States Environmental Protection Agency (EPA) to ban or restrict outdoor barbecuing, grilling, or cooking of foods by individuals and noncommercial organizations; and

WHEREAS, outdoor grilling and barbecuing are enjoyed and practiced by millions of individuals, including homeowners, apartment dwellers, campers, and civic and charitable organizations; and

WHEREAS, we believe that these noncommercial activities related to outdoor grilling and cooking pose no threat or minimal threat to the nation's environment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the EPA to carefully consider this issue, and to refrain from adopting any policy of limiting, regulating, or prohibiting outdoor cooking, grilling, or barbecuing by noncommercial individuals, groups, and organizations.

RESOLVED FURTHER, That a copy of this resolution be provided to the Director of the United States Environmental Protection Agency as an indication of our sentiments on this issue.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 146, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 192. (With Substitute): To require each county and city board of education to pay to each teacher employed at least 100 percent of the state salary matrix; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act for the public schools; and to establish an effective date.

H. 102. (With Substitute): To make an appropriation of \$1,450,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 401. (With Substitute): To make an appropriation of \$1,182,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

H. 194. (With Substitute): To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$10,756,144 for the fiscal year ending September 30, 1998, for educational purposes.

H. 196. (With Substitute): To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the Education Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 131. (With Substitute) (With Amendment): To make an appropriation of \$1,382,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 197. (With Substitute): To make an appropriation of \$400,000 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 195. (With Substitute): To make an appropriation of \$350,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 613. To make an appropriation of \$150,000 from the State General Fund to the Children's Hands-on Museum for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 122. (With Substitute): To make an appropriation of \$934,000 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 104. (With Substitute): To make an appropriation of \$381,534 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

H. 95. (With Substitute): To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 130. (With Substitute): To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representatives Minnifield and Petelos, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 161. (With Amendment): Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

Representatives Minnifield and Petelos, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 540. Relating to Jefferson County; providing for single-member districts for the county governing body, pursuant to the amended federal court order, and related orders, dated October 31, 1985, and subsequently redrawn by resolution of the county commission pursuant to Section 11-3-1.1 of the Code of Alabama 1975; providing for residency requirements for commissioners, the duties and the conduct of its affairs, and the selection of the president of the county commission.

H. 25. Relating to Jefferson County; to assign place numbers to the five positions on the Jefferson County Board of Education.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 575. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Athletic Trainers with certain modifications; to amend Section 34-40-5, Code of Alabama 1975, so as to clarify reciprocity requirements and authorize the board to levy license application and license renewal fees.

H. 576. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Sections 34-24-161 and 34-24-165, Code of Alabama 1975, so as to authorize the board to administer a national examination and levy a late license renewal fee.

H. 577. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1998 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to limit the authority of the board; require the dismissal of current board members and the appointment of members to the board; provide further for the executive director and employees of the board; and repeal Section 34-7-45, Code of Alabama 1975.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 579. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Section 34-9-40, Code of Alabama 1975, so as to provide further for a dental hygienist member on the board.

H. 580. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Licensure for Professional Geologists.

H. 581. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Instrument Dealers until October 1, 1997.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 582. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifications; to amend Sections 34-14A-3, 34-14A-5, 34-14A-8, 34-14A-11, and 34-14A-14, Code of Alabama 1975, so as to provide for the membership of the board; require the annual submission of financial information by licensees; authorize the levy of administrative fines; and to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked.

H. 583. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission.

H. 584. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing.

H. 585. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Section 34-20-4, Code of Alabama 1975, so as to provide further for the membership of the board.

H. 586. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-5, 34-22-22, 34-22-40, and 34-22-41, Code of Alabama 1975, so as require an annual limited license renewal fee; authorize the grading of continuing education courses, and waiver of registration and fees for retired licensees; to provide for board membership; and to provide further for the authority of the executive director.

H. 587. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy.

H. 588. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-192, Code of Alabama 1975, so as to provide further for the membership of the board.

H. 589. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Podiatry with certain modifications; to amend Section 34-24-255, Code of Alabama 1975, so as to delete the citizenship requirement for licensure, include a knowledge of practice test in the examination for licensure, and to add Section 34-24-258 to the Code of Alabama 1975, so as to authorize the board to operate through a bank account outside of the State General Fund.

H. 591. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners for Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-1 to 34-28A-44, inclusive, Code of Alabama 1975, so as to make technical changes regarding gender-neutral language and terminology relating to speech-language pathology, speech-language pathology assistants, and audiology assistants; to modify license application and renewal deadlines; to provide for the registration of speech-language pathology assistants and audiology assistants with registration and annual renewal fees; and to provide further for the membership of the board.

H. 592. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-69 and 34-29-91, Code of Alabama 1975, so as to expand the subpoena power of the board, delete the citizenship requirement for licensure, and provide for an inactive license.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 578. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Counseling with certain modifications; to amend Sections 34-8A-4, 34-8A-5, 34-8A-6, 34-8A-7, and 34-8A-16, Code of Alabama 1975, so as to subject the board to the Alabama Sunset Law; provide for appointments and for board membership; provide further for the executive director; authorize reasonable packaging, processing, and examination fees; provide licensure for master's degrees in psychology; and authorize the levy and collection of administrative fines.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 590. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 343. Relating to those activities that are deemed permissible uses within the coastal area and the rights of riparian owners; to specifically prohibit the erection of piers, wharves, or other structures on property bordering on the Gulf of

Mexico seaward of the mean high tide line or on lands located on Pelican Bay; and for this purpose to amend Sections 9-7-13 and 33-7-50 of the Code of Alabama 1975.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 545. (With Amendment): To amend Sections 33-2-185, 33-2-188, and 33-2-189, Code of Alabama 1975, which relate to the sale and issuance by Alabama State Docks Department of its docks facilities revenue bonds and refunding bonds, to permit the public sale of such bonds upon publication of summary notices of the sale, provided the summary notice shall be published at least one time not less than 10 days prior to the date fixed for the sale and permit the department to pay out of the proceeds of such bonds the costs of any surety bond or bonds that the department may cause to be deposited in a reserve account to further secure the payment of the principal, and premium, if any, thereof and the interest thereon.

Representative Box, Chairperson of the Standing Committee on Navigation and Waterways, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 63. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Newton (D):

H. 619. To provide for reimbursement of actual expenses of a grievance or arbitration procedure incurred by a union for a nonunion member requesting to use the grievance and arbitration procedure of the union.

COMMITTEE ON JUDICIARY

By Representative Minnifield:

H. 620. To provide further for the political parties listed on ballots and to repeal Section 17-8-2.1, Code of Alabama 1975.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Dolbare and Turner:

H. 621. To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Pringle:

H. 622. To amend Section 17-19-7 of the Code of Alabama 1975, to provide further for the meeting of the members of the Electoral College.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Fuller:

H. 623. To authorize Alabama Public School and College Authority to sell and issue one hundred twenty-five million dollars (\$125,000,000) aggregate principal amount of additional bonds to purchase items of tangible or intangible personal property determined to be necessary to implement the Alabama Technology Plan for K-12 Education and the Alabama School of Fine Arts and the Alabama School of Mathematics and Science; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal of and interest on said bonds at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and to pay the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of

the Bonds; to provide that the Authority shall have no responsibility for the security, operation, or liabilities of any system funded from proceeds of the Bonds, that this Act shall not be construed to modify any laws relating to the use or dissemination of data over such system and that the Authority shall have no proprietary or property interest therein; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

COMMITTEE ON WAYS AND MEANS

By Representatives Johnson (R) and Drake:

H. 624. To amend Sections 34-23-1, 34-23-51, 34-23-53, 34-23-72, and 34-23-73, Code of Alabama 1975, relating to the licensing of pharmacists and pharmacies, to provide for the establishment by the Board of Pharmacy of training criteria for interns and preceptor and training site requirements.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Johnson (R) and Drake:

H. 625. To authorize registered nurses employed by the State Health Department or county health departments to dispense legend drugs under the supervision of a physician and a pharmacist pursuant to procedures established by the State Board of Pharmacy; and for this purpose to amend Section 34-23-11 of the Code of Alabama 1975.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 626. To amend Section 32-5A-195 of the Code of Alabama 1975, to provide for an administrative law judge to hear appeals of the denial, cancellation, suspension, or revocation of a driver's license instead of a circuit judge; to provide that the appeal shall be final; to delete the one year limit on the suspension of a driver's license; to delete the provision for the return of an original suspended license to the licensee; and to amend Section 32-6-47 of the Code of Alabama 1975, to conform to this amendment.

COMMITTEE ON JUDICIARY

By Representative Turner (With Notice and Proof):

H. 627. Relating to Mobile County; to prohibit the keeping of a wild animal in an unincorporated area of Mobile County without fencing to enclose the animal's cage or housing; to provide fencing requirements; and to provide for penalties.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 627, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Fuller and Laird (With Notice and Proof):

H. 628. Relating to Chambers County; to provide the collection and disposition of a special recording fee in the office of the judge of probate.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 628, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Hawk, Minnifield, Guin, Black (M), Morrow, Hill, Burke, Sanderson, Hinshaw, Papucci, Allen, Gaines, Thomas (D), Rogers (M), and Petelos:

H. 629. To make a person who is convicted of driving a vehicle, while under the influence of any substance that impairs their ability to drive, guilty of the crime of child abuse if a child under the age of 14 years is present in the vehicle, and to prescribe certain penalties.

COMMITTEE ON JUDICIARY

By Representatives Flowers, Clark (J), and Hammett:

H. 630. Relating to "The Alabama Medical Liability Act of 1997" to state the legislative intent; to supplement "The Alabama Medical Liability Act of 1996," "The Alabama Medical Liability Act of 1987" and "The Alabama Medical Liability Act"; to incorporate the definitions ascribed to certain terms in Section 6-5-542, Code of Alabama 1975; to amend Section 6-5-548, Code of Alabama 1975; to provide that in an action for injury or damages or wrongful death against a health care provider for breach of the standard of care, a health care provider shall not be liable for an honest mistake or error in judgment when the proper course is subject to reasonable doubt, and the finder of fact shall be so instructed in any such action; to further provide that the commencement of any action for injury or damages or wrongful death against a health care provider shall constitute a waiver in that action of any privilege, protection, or right of confidentiality as to any health records, communications, information, or opinion, in the possession of any other health care provider who has at any time examined, treated, or cared for the person whose health or medical or mental condition has been made the subject of the action; to further provide that any health care provider may freely disclose or

discuss, in a formal or informal fashion, to or with representatives of the defendant health care provider or representatives of the person whose health or medical or mental condition has been made the subject of the action, any information or opinion regarding the health or medical or mental condition of such person or communication with such person; to further provide that in any action for injury, damages, or wrongful death against a health care provider if any medical expenses or other expenses claimed have been or will be paid or reimbursed by a third party or governmental agency, and if the third party or governmental agency has a right of subrogation, by contract or operation of law, with respect to such expenses, then any claim for recovery of such expenses shall be brought in the name of the third party or governmental agency; to further provide that the third party or governmental agency shall be considered the real party in interest under these circumstances; to further provide that this action shall apply to all actions pending against health care providers at the time this act becomes effective; to further provide that the provisions of this act are severable and if any part thereof be declared unconstitutional or void, such declaration shall not affect those parts remaining; to further provide that all laws or parts of law which conflict with this act are repealed; and to provide that this act shall become effective upon its passage and approval by the Governor.

COMMITTEE ON HEALTH

By Representative Gipson:

H. 631. To amend Section 28-3-43, Code of Alabama 1975, relating to the duties and powers of the Alcoholic Beverage Control Board, to authorize the board to purchase and own buildings for its operations.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Guin and Hogan (With Notice and Proof):

H. 632. Relating to Walker County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 632, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Spratt, Perdue, Melton, Hilliard, McAdory, Rogers (J), and Houston:

H. 633. To further provide for stalking and aggravated stalking; to provide further for the conduct of stalking or aggravated stalking if the person has been previously convicted of stalking or aggravated stalking or a violent crime involving certain victims and to provide for enhanced felony punishment.

COMMITTEE ON JUDICIARY

By Representatives Hogan and Guin (With Notice and Proof):

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 634, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Moore:

H. 635. To provide for distinctive motor vehicle license plates for members of the Rotary International or a local Alabama Rotary Club; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Galliher and Ford:

H. 636. To exempt awards of severance pay or income from a supplemental income plan as a result of termination of employment from state, county, or municipal income tax.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Kennedy (With Notice and Proof):

H. 637. Relating to Mobile County; to amend Section 1 of Act 91-368, 1991 Regular Session, relating to annual supplemental salary of the revenue commissioner, to alter the monetary amount.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 637, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Kennedy, Buskey, and Box (With Notice and Proof):

H. 638. Relating to Mobile County; providing for the county commission to reimburse the office of the accounts department for monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, and providing that reimbursement payments be made from the county general fund.

COMMITTEE ON LOCAL LEGISLATION NO. 3

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 638, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Haney, Sanderford, Allen, Hawkins, Townsend, Petelos, Thomas (D), Morton, Rogers (M), Gaines, Curry, and Sanderson:

H. 639. To make an appropriation of \$500,000 from the State General Fund to the Constitution Hall Village in Huntsville for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representatives Haney, Sanderford, Papucci, Allen, Hinshaw, Hawkins, Townsend, Payne, Petelos, Thomas (D), Morton, Rogers (M), Gaines, Curry, Sanderson, McDaniel, Newton (C), Wren, Clouse, and Carothers:

H. 640. To amend Sections 40-23-1, as amended by Act 96-887, 1996 Regular Session, 40-23-4, as amended by Act 96-544, 1996 Regular Session, 40-23-60, Code of Alabama 1975, and 40-23-62, as amended by Act 96-544, 1996 Regular Session, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; and to exempt computer software for use in research and experimentation from sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Hawk:

H. 641. To establish the Uniform Motor Vehicle Records Disclosure Act, prohibiting the disclosure of personal information contained in motor vehicle records, except for certain purposes and under certain conditions; to provide for the resale or redisclosure of the information by an authorized recipient; to provide for the payment of a fee for authorized disclosure; and to prescribe a penalty for violation of the provisions of the act.

COMMITTEE ON JUDICIARY

By Representative Rogers (M):

H. 642. To repeal Section 10-4-115 of the Code of Alabama 1975, relating to the application of statutes applying to insurance companies to certain nonprofit corporations operating health care service plans; and to amend Section 27-1-4 of the Code of Alabama 1975, to delete the provision that the Alabama Insurance Code does not apply to the health care service plans.

COMMITTEE ON INSURANCE

By Representatives Hill, Gipson, Thomas (D), Curry, and Gaines:

H. 643. To provide for the crime of assisted suicide; and to provide for a penalty.

COMMITTEE ON JUDICIARY

By Representative Carns:

H. 644. To amend Sections 40-18-190, 40-18-193, 40-18-197, and 40-18-198, Code of Alabama 1975, to clarify that if an investing company fails to meet the capital, employment, or wage criteria with respect to a qualifying project in any year subsequent to the year in which the qualifying project is placed in service, the investing company may still claim the capital credit in each future year in which it again meets such criteria, provided, however, that in no event shall an investing company be able to claim a capital credit in any year after the third year in which the company failed to meet the wage and employment requirements of existing law or the expiration of 20 years from the year in which the qualifying project is initially placed in service; to clarify the definition of a "headquarters facility" under existing law; to allow otherwise qualifying capital costs incurred by a city or county government or a public industrial development board or authority for the benefit of an investing company to count toward satisfaction of the capital investment threshold of existing law; to allow certain otherwise qualifying leasing costs to be utilized by an investing company to satisfy the capital investment threshold of existing law; to provide that the provisions of this act are severable; to provide that this act shall be retroactively effective to the effective date of Act 95-187; and to provide that no refunds shall be due or issued as a result of this act.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representative Carns:

H. 645. To amend Sections 40-9B-3, 40-9B-4, 40-9B-5, and 40-9B-6, Code of Alabama 1975; relating to the Tax Incentive Reform Act of 1992, to provide that the amendments are retroactively effective to May 21, 1992; to provide that no refunds shall be due or issued as a result of this act; and to add a new Section 40-2A-8 to Title 40, Chapter 2A, Code of Alabama 1975.

COMMITTEE ON INDUSTRIAL DEVELOPMENT
AND ECONOMIC GROWTH

By Representatives Page, Morrow, and Hall (A):

H. 646. To amend Section 36-1-8, Code of Alabama 1975, prohibiting certain uses of polygraph tests, to provide further for the prohibition.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Baker:

H. 647. To make an appropriation from the State General Fund for the relief of Don W. Grimes of Henry County wrongfully convicted of robbery and incarcerated for 12 years.

COMMITTEE ON WAYS AND MEANS

By Representatives Jorgensen, Murphree, Flowers, McKee, Allen, Spratt, Minnifield, Rogers (M), Hilliard, Willis, Townsend, and Wren:

H. 648. To amend Sections 32-7-2, 32-7-6, and 32-7-7, Code of Alabama 1975, and to add Section 32-7-6.1, relating to the Motor Vehicle Safety-Responsibility Act requirements of proof of financial responsibility; requiring persons committing certain motor vehicle related offenses to provide proof of future financial responsibility satisfactory to the Director of the Department of Public Safety for liability for accidents arising out of the ownership, maintenance, and use of a motor vehicle subject to registration; providing for the confiscation of a person's motor vehicle license tags, driver's license, and driving privileges by a law enforcement officer in certain instances and for the issuance of a temporary license or tag; providing for fines and the distribution of the fines and for a criminal penalty for failure to furnish proof of future financial responsibility; providing for certain exceptions and conditional releases for the payment of claims; and providing the conditions under which interest is paid on payments of claims.

COMMITTEE ON INSURANCE

BILLS ON THIRD READING

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Crigler, the Budget Isolation Resolution relating to the bill, S. 82, was adopted.

Yeas 45; Nays 0.

Yea:

Representatives Black (L), Black (M), Buskey, Carter, Clouse, Crigler, Dean, Dolbare, Drake, Flowers, Gaston, Gipson, Guin, Haney, Hayden, Hill, Hilliard, Hinshaw, Holmes, Kennedy, Knight (J), Letson, Lindsey, McAdory, McClammy, Melton, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Spratt, Starkey and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

S. 82. (With Amendment): Relating to Mobile County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Mobile County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 3 to the bill, S. 82, said committee amendment being as follows:

Amend S. 82 on Page 3, lines 17 through 21 by striking sub-section (4) in its entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 39; Nays 3.

Yea:

Representatives Allen, Black (L), Black (M), Carter, Clouse, Crigler, Dean, Dolbare, Drake, Flowers, Gaston, Gipson, Guin, Hammett, Haney, Hayden, Hill, Holmes, Lindsey, McAdory, Millican, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderson, Spratt, Starkey and Willis.

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Nay:

Representatives Buskey, Hamilton and Kennedy.

- 3

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill, S. 82, as amended, was read a third time at length and passed.

Yeas 43; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Burke, Buskey, Carter, Clouse, Crigler, Dean, Dolbare, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hayden, Hill, Hinshaw, Kennedy, Lindsey, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Starkey and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Pringle, the Budget Isolation Resolution relating to the bill, H. 287, was adopted.

Yeas 45; Nays 0.

Yea:

Representatives Black (L), Black (M), Buskey, Carns, Clouse, Crigler, Dean, Dolbare, Flowers, Gaston, Gipson, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Johnson (R), Jorgensen, Letson, Lindsey, Maull, McAdory, McClammy, Melton, Moore, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Spratt, Starkey, Townsend and Willis.

-45

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 287. Relating to specifications for barbed wire fences in Mobile County; to repeal Act No. 124, p. 227, 1894 Regular Session.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 57; Nays 0.

Yea:

Representatives Allen, Black (L), Black (M), Box, Buskey, Carns, Carter, Clouse, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Johnson (R), Jorgensen, Kennedy, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Spratt, Starkey, Townsend, Turnham and Willis.

-57

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 30, was adopted.

Yeas 51; Nays 0.

Yea:

Representatives Allen, Black (M), Buskey, Carns, Carter, Clouse, Dean, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hall (A), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Robinson, Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend and Willis.

-51

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 30. Relating to Houston County, authorizing the sheriff to sell certain abandoned, stolen, and unclaimed property at public auction; authorizing the sheriff to sell or destroy certain abandoned, stolen, or unclaimed firearms; providing for an auction and for the disposition of proceeds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 58; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clouse, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Guin, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Johnson (R), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham and Willis.

-58

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 31, was adopted.

Yeas 42; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Carothers, Carter, Clouse, Drake, Dukes, Flowers, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Holmes, Johnson (R), Knight (J), Letson, Lindsey, Maull, McAdory, Minnifield, Moore, Morrow, Morton, Murphree, Papucci, Parker (P), Penry, Perdue, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Starkey, Turnham, White and Willis.

-42

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 31. Relating to Houston County; to impose a fee of \$35 as a processing fee to compile and print a list for the general public of all holders of a privilege or business license issued by the judge of probate for an entire fiscal year or a fiscal year to date; and a fee of \$20 for compiling and printing lists and updates of a single month new privilege or business licenses issued by the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Carothers, Clouse, Drake, Dukes, Gipson, Graham, Guin, Hamilton, Hammett, Hayden, Hill, Holmes, Knight (J), Layson, Letson, Lindsey, Maull, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Rogers (M), Sims, Spratt, Starkey, Turnham, White and Willis.

-39

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 32, was adopted.

Yeas 38; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Carothers, Carter, Clouse, Drake, Dukes, Gaines, Gipson, Guin, Hammett, Hayden, Hill, Hinshaw, Holmes, Johnson (R), Knight (J), Lindsey, Maull, McClammy, Millican, Minnifield, Moore, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Rogers (M), Sims, Spratt, Starkey, Turnham, Vance and Willis.

-38

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 32. Relating to Houston County; to impose a special additional filing fee of three dollars on certain instruments, documents, and papers filed for record in the office of the judge of probate; to provide for the disposition of the fees; and to provide that the law shall be cumulative.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 30; Nays 0.

Yea:

Representatives Black (L), Black (M), Carothers, Carter, Clouse, Drake, Dukes, Gipson, Graham, Guin, Hammett, Hayden, Hill, Johnson (R), Lindsey, Maul, Millican, Minnifield, Morton, Murphree, Newton (C), Papucci, Parker (P), Penry, Rogers (M), Spratt, Starkey, Turnham, Vance and Willis.

-30

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 149. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Seventh legislative day, Tuesday, February 25, 1997, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 291 (By Haney)	2
Wine, fortified wine and native farm wine, alcohol content incr., Secs. 28-3-1, 28-3-168, 28-6-1, 28-7-2 am'd.	
H. 208 (By Johnson R)	3
Marriage and Family Therapy, Bd. of Examiners in, estab., licensure requirements, practice reg., penalties	

H. 88 (By Carter)	6
Jitney buses, st. registration fees and license taxes abolished, Secs. 40-12-240, 40-12-246, 40-12-258, Sec. 40-12-245 repealed	
H. 162 (By Payne)	7
Elections, electronic voting systems for elections, testing of	
H. 146 (By Turnham)	14
Boats, driving under influence (DUI), blood alcohol level lowered to .08 percent, Sec. 32-5A-191.3 am'd.	
H. 236 (By Burke)	13
Health maintenance organizations subject to premium tax rates for health insurers, Sec. 27-21A-28 am'd.	
H. 222 (By Venable)	8
Superintendent of Ed., Co., to take office on January 1 following election, Sec. 16-9-8 am'd.	
H. 373 (By Hill)	28
Income tax, treatment of common trust funds, conversions of common trust funds to mutual funds, retro. effect, Secs. 5-12A-15, 40-18-8 am'd.	
H. 251 (By Petelos)	18
Prison system, inmates, blood donation to American Red Cross, deduction from sentence repealed, Sec. 14-9-3 repealed	
H. 55 (By Hawk)	22
Bomb threats, penalty incr. to Class C felony, Sec. 13A-11-11 am'd.	
H. 50 (By Clouse)	21
Limited partnerships and foreign limited partnerships, name may include abbreviation "L.P.", Secs. 10-9A-2, 10-9A-163 am'd.	

On motion of Representative Carter, the resolution, H.R. 149, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Haney offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 291.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 291, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (R) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 208.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 208, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Carter offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 88.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 88, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

REPORT FILED

Pursuant to House Joint Resolution 58, Act No. 94-824, Regular Session of the 1994 Legislature, Representative Jim Haney, Chairman, and Senator Ted Little, Co-Chairman, submitted the Report of the Report of Permanent Joint Legislative Oversight Committee on Rehabilitation Services, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 108. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996.

Also:

H.J.R. 110. COMMENDING GORDON MUSGROVE FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H.J.R. 111. COMMENDING JOSEPH EDWARD KENT, III, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 113. COMMENDING TEDDY GRYSKA OF TUSCALOOSA, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 114. HONORING WILLIAM ALTON CURRY UPON HIS ELECTION AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

Also:

H.J.R. 121. HONORING THE REVEREND JOHN S. THOMPSON FOR FAITHFUL SERVICE TO PEACE MISSIONARY BAPTIST CHURCH AND THE PRATT CITY COMMUNITY.

Also:

H.J.R. 122. COMMENDING CONSUELA MICHELLE TAYLOR FOR OUTSTANDING SERVICE.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Payne offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 162.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 162, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Papucci and Jorgensen:

H.J.R. 150. COMMENDING THE MONROVIA MIDDLE SCHOOL CHEERLEADERS OF HUNTSVILLE, ALABAMA.

The resolution, H.J.R. 150, was read and referred to the Standing Committee on Rules.

Also:

By Representative Collins:

H.J.R. 151. NAMING THE "JACK HANKINS HIGHWAY" IN LAMAR COUNTY.

The resolution, H.J.R. 151, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 36. MOURNING THE DEATH OF CALVIN ELLINGTON JAMES, SR.

Also:

S.J.R. 38. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Haney, Hall (A), Sanderford, Papucci, Jorgensen, Hall (L) and Hinshaw:

H.R. 152. COMMENDING BOY SCOUT TROOP 17 ON OUTSTANDING COMMUNITY ACHIEVEMENT.

Also:

The following resolution was introduced:

By Representatives Papucci, Jorgensen, Hall (L), Hinshaw, Haney, Sanderford and Hall (A):

H.J.R. 153. COMMENDING THE GRISSOM HIGH SCHOOL WRESTLING TEAM ON ITS THIRD STRAIGHT CHAMPIONSHIP GAME.

The resolution, H.J.R. 153, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 32. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

Also:

S.J.R. 33. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

Also:

S.J.R. 35. COMMENDING DR. CORDELL WYNN FOR DISTINGUISHED SERVICE TO STILLMAN COLLEGE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 154. HONORING THE LATE CALVIN JONES ON HIS INDUCTION INTO THE WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 155. COMMENDING MACK WOOD ON HIS INDUCTION INTO THE WIREGRASS SPORTS HALL OF FAME.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 84. COMMENDING THE DELEGATION OF SOUTHERN AFRICAN WOMEN LEGISLATORS AND WELCOMING THEM TO ALABAMA.

Also:

H.J.R. 85. RECOGNIZING LUCIA BASSON OF NAMIBIA, AFRICA, AND WELCOMING HER TO ALABAMA.

Also:

H.J.R. 87. RECOGNIZING M.M.A. KOTI NYAMA OF SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

Also:

H.J.R. 86. RECOGNIZING EDNA MADZONGWE OF ZIMBABWE, SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

Also:

H.J.R. 106. ENDORSING AND SUPPORTING THE NAMING OF THE PARK AND AMPHITHEATRE LOCATED ADJACENT TO HAYDEN ELEMENTARY SCHOOL PLAYGROUND THE VERA VAUGHN PARK.

Also:

H.J.R. 107. COMMENDING FORMER MAYOR ELBERT THURMAN SIMS, JR., FOR OUTSTANDING ACHIEVEMENTS.

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 156. COMMENDING CLARENCE SLAUGHTER FOR HIS INDUCTION INTO THE WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 157. COMMENDING MOLLY BLALOCK ON HER INDUCTION INTO THE WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 158. COMMENDING DEXTER WOOD ON HIS INDUCTION INTO THE ANNUAL WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Baker:

H.R. 159. COMMENDING MAX GRIFFIN ON HIS INDUCTION INTO THE WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Hammett:

H.R. 160. MOURNING THE DEATH OF LINDA MCBRYDE OF ROSE HILL, ALABAMA.

Also:

By Representative Dukes:

H.R. 161. RECOGNIZING DECATUR'S ANNUAL RIVERFEST BARBEQUE COOKOFF.

Also:

By Representative Hall (L):

H.R. 162. RECOGNIZING THE 1997 ALPHA KAPPA ALPHA SORORITY, INC., EPSILON GAMMA OMEGA CHAPTER, DEBUTANTES.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Turnham offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 146.

MOTION TO ADJOURN LOST

The motion offered by Representative White that the House adjourn until 9:00 o'clock a.m., Thursday, February 27, 1997, was lost.

Yeas 13; Nays 54.

Yea:

Representatives Bandy, Curry, Drake, Graham, Holmes, Knight (J), McClammy, McKee, Morton, Rogers (J), Sanderson, Seibenhener and White.

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Nay:

Representatives Allen, Baker, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Flowers, Gaston, Gipson, Hall (A), Hammett, Haney, Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Houston, Layson, Lindsey, McDaniel, McMillan, Melton, Mitchell, Morrow, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED

The question was then on the adoption of the Budget Isolation Resolution offered by Representative Turnham to the bill, H. 146.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 146, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Burke offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 236.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 236, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

REPORT FILED

The Final Report of the Permanent Joint Legislative Committee on Finances and Budgets created by Act No. 91-652, was submitted by Senator Hank Sanders, Chairman, Finance and Taxation Education Committee, Representative Bill Fuller, Chairman, Ways and Means Committee and Senator Lowell Barron, Chairman of the Finance and Taxation General Fund Committee, to the Alabama Legislature of 1996, and the report was ordered filed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 144. COMMENDING BRANDON STRICKLAND OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 145. COMMENDING DR. CHESTER ARTHUR FREDD, SR., FOR OUTSTANDING EDUCATIONAL AND RELIGIOUS SERVICE.

Also:

H.J.R. 147. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.

Also:

H.J.R. 143. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 124. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

Also:

H.J.R. 125. PROCLAIMING ALABAMA RECYCLES DAY.

Also:

H.J.R. 139. COMMENDING JERRY BELK FOR DISTINGUISHED SERVICE.

Also:

H.J.R. 140. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 142. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 108. COMMENDING ALISON MCCREARY, MISS ALABAMA 1996.

Also:

H.J.R. 110. COMMENDING GORDON MUSGROVE FOR OUTSTANDING SERVICE TO THE COMMUNITY.

Also:

H.J.R. 111. COMMENDING JOSEPH EDWARD KENT, III, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 113. COMMENDING TEDDY GRYSKA OF TUSCALOOSA, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 114. HONORING WILLIAM ALTON CURRY UPON HIS ELECTION AS PRESIDENT OF THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA.

Also:

H.J.R. 121. HONORING THE REVEREND JOHN S. THOMPSON FOR FAITHFUL SERVICE TO PEACE MISSIONARY BAPTIST CHURCH AND THE PRATT CITY COMMUNITY.

Also:

H.J.R. 122. COMMENDING CONSUELA MICHELLE TAYLOR FOR OUTSTANDING SERVICE.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 84. COMMENDING THE DELEGATION OF SOUTHERN AFRICAN WOMEN LEGISLATORS AND WELCOMING THEM TO ALABAMA.

Also:

H.J.R. 85. RECOGNIZING LUCIA BASSON OF NAMIBIA, AFRICA, AND WELCOMING HER TO ALABAMA.

Also:

H.J.R. 87. RECOGNIZING M.M.A. KOTI NYAMA OF SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

Also:

H.J.R. 86. RECOGNIZING EDNA MADZONGWE OF ZIMBABWE, SOUTH AFRICA, AND WELCOMING HER TO ALABAMA.

Also:

H.J.R. 106. ENDORSING AND SUPPORTING THE NAMING OF THE PARK AND AMPHITHEATRE LOCATED ADJACENT TO HAYDEN ELEMENTARY SCHOOL PLAYGROUND THE VERA VAUGHN PARK.

Also:

H.J.R. 107. COMMENDING FORMER MAYOR ELBERT THURMAN SIMS, JR., FOR OUTSTANDING ACHIEVEMENTS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Venable offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 222.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 222, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hill offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 373.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 373, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Petelos offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 251.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 251, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hawk offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 55.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 55, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Clouse, the Budget Isolation Resolution relating to the bill, H. 50, was adopted.

Yeas 76; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Page, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

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TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 149, the time to debate the bill, H. 50, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 124. MOURNING THE DEATH OF FORMER JUSTICE OSCAR ADAMS OF BIRMINGHAM, ALABAMA.

Also:

H.J.R. 125. PROCLAIMING ALABAMA RECYCLES DAY.

Also:

H.J.R. 139. COMMENDING JERRY BELK FOR DISTINGUISHED SERVICE.

Also:

H.J.R. 140. MOURNING THE DEATH OF EDITH RAGAN INGRAM OF MONTGOMERY, ALABAMA.

Also:

H.J.R. 142. COMMENDING DR. STEPHEN B. JONES ON HIS APPOINTMENT AS DIRECTOR OF THE ALABAMA COOPERATIVE EXTENSION SYSTEM.

Also:

H.J.R. 144. COMMENDING BRANDON STRICKLAND OF WILMER, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

Also:

H.J.R. 145. COMMENDING DR. CHESTER ARTHUR FREDD, SR., FOR OUTSTANDING EDUCATIONAL AND RELIGIOUS SERVICE.

Also:

H.J.R. 147. RELATING TO THE PROVIDING OF LEGISLATIVE REAPPORTIONMENT MAPS TO MEMBERS OF THE LEGISLATURE.

Also:

H.J.R. 143. COMMENDING THE ALABAMA AGRICULTURE AND FORESTRY LEADERS PROGRAM AND ITS CLASS VI FOR PARTICIPATING IN A STUDY INSTITUTE ON STATE GOVERNMENT.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 163. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Seventh legislative day, Tuesday, February 25, 1997, taking precedence over the regular order of business or any pending or unfinished business:

And the Following bills:

Inst Id	Page
H. 384 (By Rogers J)	69
Schools, insurance for full replacement value, Finance Dept., Risk Management Div., Secs. 16-8-42, 16-11-27 am'd.	
H. 20 (By Morrison)	14
Cullman Co. Bd. of Ed., supp. approp.	
H. 262 (By Laird)	44
Legislature, membs. paid per diem for in-state travel in official business of st., Sec. 36-7-20 am'd.	
H. 156 (By Lindsey)	65
Postsecondary Education Dept. and two-year colleges, officers and employees auth. prepaid travel expenses, Sec. 36-7-23 am'd.	
H. 157 By (Black M)	65
Postsecondary education, two-year colleges, presidents may donate surplus personal property to public high schools, records required	

**REGULAR SESSION
7th Day**

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H. 389 (By Buskey)

19

Discrimination in employment based on age, prohib.

H. 373 (By Hill)

28

Income tax, treatment of common trust funds, conversions of common trust funds to mutual funds, retro. effect, Secs. 5-12A-15, 40-18-8 am'd.

H. 200 (By Johnson R)

27

Medicaid Agency, managed care contracts, exceptions to competitive bid process, appeals of bids to St. Health Officer, HMO's exempt from cert. filings

H. 201 (By Johnson R)

27

Medicaid Agency, managed care system, consideration of factors other than low bid in awarding contracts, approval of St. Finance Director, Secs. 22-6-7, 41-16-27 am'd.

H. 179 (By Hall A)

33

Elections, party primary elections, abolished for cert. offices, open primaries, numerous secs. in Title 17 am'd. and repealed

H. 218 (By Sanderson)

6

Health insurers and health benefit plans, genetic test showing predisposition to breast cancer, prohib. from requiring women to take or discriminating against because of, enforcement by Insurance Dept.

H. 219 (By Sanderson)

4

Health benefit plans, mammography screening, coverage when mastectomy covered, Breast Cancer Screening Act

H. 212 (By McDaniel)

11

Gasoline tax on aircraft, collections incr., Sec. 40-17-31 am'd.

AMENDMENT OFFERED

Representative McKee offered the following amendment to the resolution, H.R. 163:

Remove House Bill 179 on page 2

AMENDMENT TABLED

On motion of Representative Hall (A), the amendment offered by Representative McKee to the resolution, H.R. 163, was tabled.

Yeas 51; Nays 29.

Yea:

Representatives Baker, Black (L), Black (M), Box, Burke, Buskey, Carothers, Carter, Collins, Dolbare, Dukes, Ford, Galliher, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hayden, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, Millican, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Perdue, Robinson, Rogers (J), Rogers (M), Starkey, Vance, Venable, Warren and Willis.

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Nay:

Representatives Allen, Carns, Crigler, Curry, Dean, Flowers, Gaines, Gaston, Haney, Hawkins, Hill, Hilliard, McKee, McMillan, Melton, Moore, Morton, Papucci, Payne, Penry, Pringle, Sanderford, Sanderson, Sims, Spratt, Thomas (D), Townsend, Turnham and Wren.

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RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.R. 163, was adopted.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Baker:

H.R. 164. COMMENDING MOLLY BLALOCK ON HER INDUCTION INTO THE WIREGRASS SPORTS HALL OF FAME.

Also:

By Representative Hall (A):

H.R. 165. MOURNING THE DEATH OF EDMUND ALLEN PAYNE OF NEW MARKET, ALABAMA.

Also:

By Representative Page:

H.R. 166. RECOGNIZING WITH GLEE THE 50TH BIRTHDAY OF CARY C. WHITEHEAD.

Also:

The following resolutions were introduced:

By Representatives Hooper, Ford, Morrison and McKee:

H.J.R. 167. DESIGNATING THE "HANK WILLIAMS MEMORIAL LOST HIGHWAY."

The resolution, H.J.R. 167, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Jorgensen, Papucci, Hall (A), Hinshaw, Haney, Hall (L) and Sanderford:

H.J.R. 168. COMMENDING THE SPARKMAN HIGH SCHOOL CHEERLEADERS OF TONEY, ALABAMA.

The resolution, H.J.R. 168, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Poole:

S. 195. To amend Section 13A-6-21 of the Code of Alabama 1975, as amended by Act No. 96-533, H. 296 of the 1996 Regular Session relating to a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter or a teacher from performing a lawful duty, causes physical injury to any person commits assault in the second degree, to provide that a person who with intent to prevent a jailer, a guard, or certain security officers from performing a lawful duty, intentionally causes physical injury to any person, commits assault in the second degree; and to provide felony penalties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 195. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senators Biddle, Armistead, Waggoner, Amari, and Davidson:

S. 101. To prohibit certain waterworks created in a Class 1 municipality from imposing a lien on real property for unpaid services or debts incurred by a tenant or lessee.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 101. Commerce, Transportation and Utilities.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Poole:

S. 196. To amend Section 15-23-79 of the Code of Alabama 1975, relating to the Board of Pardons and Paroles; to provide that a victim may, in addition to being present at a parole hearing, submit a written, audio taped, or video taped statement to the Board of Pardons and Paroles; and to require the board to submit a statement as to the danger posed to society by a person being considered for parole.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 196. Judiciary.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Roberts:

S. 54. To provide a system for the purchase of service credit in the Employees' Retirement System of Alabama by public officials where such purchase has been authorized by local constitutional amendment.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 54. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Dixon and Langford:

S.J.R. 39. COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL FOOTBALL TEAM ON ITS 1996 6A STATE CHAMPIONSHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 39, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 384, was adopted.

Yeas 55; Nays 12.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Ford, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Houston, Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Parker (P), Robinson, Rogers (J), Rogers (M), Sanderson, Spratt, Starkey, Thomas (J) and Turner.

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Nay:

Representatives Carns, Dolbare, Gaines, Hill, Payne, Petelos, Pringle, Sanderford, Sims, Thomas (D), Townsend and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 41. CONGRATULATING CLARK AND CINDY SAHLIE ON THE BIRTH OF A SON, WILLIAM CLARK SAHLIE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 41, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Lindsey:

S.J.R. 40. CREATING A STATE COMPENSATION STUDY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That a State Compensation Study Commission be hereby created to conduct a study and to annually report on compensation, expense reimbursement, retirement, and other benefits offered to state officers and employees of the executive, legislative, and judicial branches of government who are not members of the state merit system, officers and employees of two-year postsecondary educational institutions and four-year institutions of higher education, and officers and employees of counties in Alabama.

(a) The commission shall be composed of six voting citizen members who during their term of office may not serve as an elected state or local official. The presiding officer of each house of the Legislature shall appoint three members who shall serve at the pleasure of the appointing authority. Vacancies shall be filled by the appointing authority who appointed the vacating member.

(b) The following persons, or their designees, shall serve as ex officio nonvoting members of the commission: The Secretary-Treasurer of the Retirement Systems of Alabama; the Personnel Director of the State Personnel Board; the State Comptroller; the Executive Director of the Alabama State Employees Association; the Executive Director of the Association of County Commissions of

Alabama; the Director of the Administrative Office of Courts; the Executive Director of the Alabama Commission on Higher Education; the Chancellor of the Department of Postsecondary Education; the State Superintendent of Education; and the Governor.

(c) The appointed members of the commission shall annually elect a chair and vice chair to serve in that capacity for one year and until a successor is elected by the appointed members and assume their responsibilities. Ex officio members may be elected chair or vice chair.

(d) Each state department, agency, and office shall cooperate with and provide requested material to the commission. Each appointed member of the commission shall have the power to administer oaths, take testimony, subpoena and compel the attendance of witnesses and the production of all books, papers, records, or documents deemed material or pertinent to any subject within the scope of its studies and investigations.

(e) Appointed commission members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties on the commission at the same rate and subject to the same requirements as provided by law for state employees, to be paid out of the General Fund upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the commission.

(f) The commission shall study those aspects of compensation payable to public officers and employees as provided herein, and shall make an annual report to the Legislature, the Governor, and to the Judicial Compensation Commission. The report shall include recommendations and comments relating to its ongoing studies, including, but not limited to, recommendations on each of the following issues:

(1) The salary and expense allowances to be paid to all officers and employees of the executive, legislative, and judicial branches of government of this state who are not members of the merit system.

(2) Any constitutional, statutory, or administrative changes deemed useful or necessary for providing a more equitable and uniform application of compensation, expense reimbursement, retirement, and other benefits offered to officers and employees of the executive, legislative, and judicial branches of government who are not members of the merit system of government of this state.

(3) Specific suggestions for providing methods or procedures, to be administered at the county level, for the equitable and uniform application of compensation, expense reimbursement, retirement, and other benefits for county officers and employees.

(4) Specific suggestions for providing more equitable and uniform application of compensation, expense reimbursement, retirement, and other benefits offered to officers and employees of two-year postsecondary educational institutions and four-year institutions of higher education.

(g) The commission shall make its annual report to the Legislature, the Governor, and the Judicial Compensation Commission not later than December 19, 1997, for the 1998 Regular Legislative Session, and not later than three weeks prior to the first legislative day of each regular session, beginning with the 1999 Regular Session.

(h) Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the work of the commission.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 40, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

H. 384 TAKEN UP

And the bill:

H. 384. (With Amendment): To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 384, said committee amendment being as follows:

Amend H. 384 on Page 2, line 8, after the word "value" by inserting the following language: for the purpose for which said building is currently used

Further amend H. 384 on Page 3, line 1, following the word "value" by inserting the following language: for the purpose for which said building is currently used

Further amend H. 384 on Page 3, subsection (a), beginning on line 4 following the word "purposes" by deleting the remainder of subsection (a) in its entirety.

Further amend H. 384 on Page 3 striking Section 3 in its entirety and renumbering all subsequent sections.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford and Denton:

S.J.R. 44. MOURNING THE DEATH OF EARLY A. NELSON OF SHEFFIELD, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 44, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Sanders:

S.J.R. 42. COMMENDING LILLIE BROWN ON HER COMMITMENT TO THE CAUSE OF CIVIL RIGHTS AND VOTING RIGHTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 42, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTION

The following resolution was introduced:

By Representative Hooper:

H.R. 169. URGING MEMBERS OF THE HOUSE OF REPRESENTATIVES TO REFRAIN FROM USING CELLULAR TELEPHONES WHILE DEBATE IS PROGRESSING.

The resolution, H.R. 169, was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 3:11 p.m. on February 25, 1997.

H.J.R. 108	H.J.R. 84
H.J.R. 110	H.J.R. 85
H.J.R. 111	H.J.R. 87
H.J.R. 113	H.J.R. 86
H.J.R. 114	H.J.R. 106
H.J.R. 121	H.J.R. 107
H.J.R. 122	

Delivered to the Governor at 3:40 p.m. on February 25, 1997.

H.J.R. 124 H.J.R. 144

H.J.R. 125 H.J.R. 145

H.J.R. 139 H.J.R. 147

H.J.R. 140 H.J.R. 143

H.J.R. 142

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Townsend, the House adjourned until 9:00 o'clock a.m., Thursday, February 27, 1997.

Yeas 41; Nays 34.

Yea:

Representatives Allen, Black (L), Carns, Carothers, Clark (W), Clouse, Curry, Dolbare, Drake, Gaines, Guin, Haney, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, McClammy, McKee, McMillan, Millican, Minnifield, Moore, Morton, Papucci, Parker (P), Payne, Perdue, Sanderford, Sanderson, Seibenhener, Sims, Starkey, Townsend, Vance and Willis.

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Nay:

Representatives Bandy, Black (M), Burke, Collins, Crigler, Dean, Dukes, Flowers, Ford, Gaston, Graham, Hall (A), Hammett, Hawk, Hilliard, Hooper, Houston, Kennedy, Lindsey, McAdory, McDaniel, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Petelos, Rogers (J), Rogers (M), Spratt, Thomas (D) and Wren.

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EIGHTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, February 27, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Representative John Robinson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jason Andrews, 12th Grade, Citronelle High School, Citronelle, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the seventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the seventh legislative day was dispensed with.

LEAVES OF ABSENCE

At the request of Representative Hammett, leaves of absence were granted for Representatives Knight (A) and Smith.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, March 4, 1997, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 151. NAMING THE "JACK HANKINS HIGHWAY" IN LAMAR COUNTY.

WHEREAS, the Legislature wishes to honor former House of Representatives member Jack Hankins, who represented Lamar County with distinction from 1947 to 1954, and from 1958 to 1966; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Highway 17 in Lamar County from Vernon to Sulligent be named the "Jack Hankins Highway" in honor of former House of Representatives member Jack Hankins.

RESOLVED FURTHER, That the appropriate state and local authorities are requested to erect and maintain signs and markers that are appropriate to designate the highway.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 151, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 167. DESIGNATING THE "HANK WILLIAMS MEMORIAL LOST HIGHWAY."

WHEREAS, the works of Hank Williams have played an influential role in the history of American music, affecting various styles including country, western, and rock and roll; moreover, his songs continue to afford great pleasure to life-long fans, as well as listeners newly discovering Hank and the Drifting Cowboys; and

WHEREAS, the State of Alabama is immensely proud to claim Hank Williams as a native son, and is highly aware of his international appeal, as visitors from throughout the world make pilgrimages to our state to visit the sites where this enthralling entertainer lived; and

WHEREAS, Hank was born in 1923, in Georgiana, Alabama, and lived a large portion of his all-too-short life in Montgomery, Alabama, where his reputation and fame began to grow, and where he is buried beneath a monument reciting a few of his enduring works, including Your Cheatin' Heart; Cold, Cold Heart; and Jambalaya; and

WHEREAS, we note that Interstate 65 links those sites and places in South Alabama where Hank Williams lived and worked; and along this common connector the communities of Millbrook, Montgomery, Greenville, and Georgiana, which all share memories of this legendary minstrel, have approved the naming of this highway in tribute to this talented troubadour; and

WHEREAS, this legislative body declares that it is highly appropriate to establish a lasting and perpetual memorial to this unique and renowned Alabamian, so that both the citizens of our state and nation, as well as international travelers will know of our pride in this American icon, whose songs captured so clearly and concisely the feelings and emotions shared by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of Interstate 65 running from the southern-most city limits of the City of Millbrook to the city limits of Georgiana, is designated "The Hank Williams Memorial Lost Highway."

BE IT FURTHER RESOLVED, That the Alabama Department of Transportation, to whom a copy of this resolution shall be provided, is requested to work with the proper authorities to ensure that appropriate signs and markers bearing this designation are erected and maintained along this section of Interstate 65.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 167, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 168. COMMENDING THE SPARKMAN HIGH SCHOOL CHEERLEADERS OF TONEY, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature most heartily congratulates the Sparkman High School Cheerleaders on winning the National Championship in the Varsity Co-Ed Cheerleading Division at the Disney MGM Studios, Orlando, Florida, on February 8-9, 1997; and

WHEREAS, giving credit to the National High School Cheerleading Association, the oldest and largest cheerleading organization, the Sparkman cheerleaders are commended for their spirited leadership of students and fans during pep rallies and games; and

WHEREAS, a perennial contender for the championship, the Sparkman cheerleaders have finished in the top six for five of the last six years, won the 1993 National Championship in the all-girls' division, and was the only school to earn a title in more than one division of the championship; and

WHEREAS, this National Championship indeed showcases the exceptional skill and talent of Coach Madonna Holladay and assistants, Henry Vaughn, Laura Pilliteri, and other dedicated staff members; and

WHEREAS, we recognize and commend the outstanding talents of the Sparkman cheerleaders including: Natalie Brazleton, Nikki Brower, Morgan Cox, Brandy Duvall, Dana Eason, April Hammonds, Dawn Hammonds, Tangela Massey, Erik Noble, Steven Ricketts, Scotty Shareck, Betsy Taylor, Jay Taylor, Vanessa Trauffer, Brandy Wallace, Amy Welborn, Nancy Vela, and Ashley Wise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Sparkman High School Cheerleaders are congratulated for the exemplary manner in which they performed at the National Cheerleading Competition.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Coach Holladay for appropriate presentation and school display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 168, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 39. COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL FOOTBALL TEAM ON ITS 1996 6A STATE CHAMPIONSHIP.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 39.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 41. CONGRATULATING CLARK AND CINDY SAHLIE ON THE BIRTH OF A SON, WILLIAM CLARK SAHLIE.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 41.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 44. MOURNING THE DEATH OF EARLY A. NELSON OF SHEFFIELD, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 44.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 42. COMMENDING LILLIE BROWN ON HER COMMITMENT TO THE CAUSE OF CIVIL RIGHTS AND VOTING RIGHTS.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 42.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 93. (With Substitute): To make an appropriation of \$3,968,250 from the Education Trust Fund for the support and maintenance of Tuskegee University for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

H. 94. (With Substitute): To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

H. 119. (With Substitute): To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 111. To make an appropriation of \$35,750,373 from the Education Trust Fund and an appropriation of \$727,670 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1998.

H. 110. To make an appropriation of \$206,225 from the Education Trust Fund for the support and maintenance of Lyman Ward Military Academy for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

H. 109. To make an appropriation of \$441,912 from the Education Trust Fund for the support and maintenance of Marion Military Institute for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

H. 108. To make an appropriation of \$417,540 from the Education Trust Fund for the support and maintenance of Talladega College for the fiscal year ending September 30, 1998, and to require an operations plan prior to release of any funds.

H. 105. To make an appropriation of \$23,262,924 from the Education Trust Fund, an appropriation of \$2,751,000 from the Driver Impaired Trust Fund, and an appropriation of \$85,463,872 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1998.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 123. (With Substitute): To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 126. To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 125. (With Substitute): To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 124. (With Substitute): To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 127. (With Substitute): To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 128. To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 129. To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 132. (With Substitute): To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

H. 198. (With Substitute): To make an appropriation of \$3,548,566 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 425. To make an appropriation of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1998, and to require an audited financial statement and operations plan prior to release of any funds.

H. 639. To make an appropriation of \$500,000 from the State General Fund to the Constitution Hall Village in Huntsville for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 145. (With Amendment): To amend Section 13A-7-29, Code of Alabama 1975, relating to the offense of criminal littering to provide for prima facie evidence for certain material found in the litter.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 10. Relating to the allocation of volumes of the acts and resolutions of each legislative session; to amend Section 36-14-11 of the Code of Alabama 1975; to adjust the allocation; and to permit a recipient upon written request to reduce or refuse a specified allocation.

H. 268. To amend Section 30-2-8.1, Code of Alabama 1975; relating to divorce; to require a 180-day waiting period and attendance at an 8-hour parenting class prior to the issuance of final judgment of divorce when the parties are the parents of a child under the age of 18 years.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 323. (With Amendment): Proposing an amendment to Article I, Section 16 of the Constitution of Alabama of 1901; to further provide for pretrial release on bail; and to provide that excessive bail shall not be required for pretrial release.

The above bill was read a second time at length as required by the Constitution.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 322. To amend Section 15-13-3 of the Code of Alabama 1975, relating to persons ineligible for bail; to provide certain persons charged with non-capital felonies may be detained without bail after a hearing; to create a rebuttable presumption that detention is warranted for certain serious felonies; and to provide for judicial review where defendants have been unable to obtain release from custody on bail.

H. 446. To amend Section 12-15-65 of the Code of Alabama 1975, relating to the conduct of a hearing in juvenile court, to allow victims of a delinquent act to be present in any court exercising any jurisdiction over a delinquent act and to be seated at the counsel table of the prosecutor.

H. 1. To provide immunity from civil liability for malpractice for certain attorneys appointed to represent indigent clients.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 608. (With Amendment): To create the Office of Administrative Hearings; to provide for the appointment of a Chief Administrative Law Judge and administrative law judges; and to provide for qualifications, compensation, powers, and duties of the office and the positions.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 286. To amend Section 36-26-23 of the Code of Alabama 1975, relating to promotions; to require the State Personnel Director to keep promotional registers open during studies or reviews for merit positions.

H. 566. To amend Sections 34-37-4 and 34-37-6, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for an increase in compensation for the members of the board; to clarify that an applicant for master gas fitter examination shall be a journeyman gas fitter; and to eliminate the provision for certification without examination.

H. 449. Relating to county boards of education; to amend Section 16-8-39 of the Code of Alabama 1975, to provide for the keeping of financial records in the manner approved by the State Superintendent of Education and for the annual audit of county boards of education; and to amend Section 41-5-14 of the Code of Alabama 1975, relating to the Examiners of Public Accounts and the auditing of governmental units, to exempt county boards of education from the requirement that they be audited by the Examiners of Public Accounts.

S. 71. To amend Sections 39-1-1, 39-1-2, 39-1-3, 39-2-1, 39-2-2, 39-2-3, 39-2-4, 39-2-5, 39-2-6, 39-2-8, 39-2-9, 39-2-10, 39-2-11, 39-2-12, 39-2-13, 39-3-1, 39-3-4, 39-5-1, 39-5-2, 39-5-3, 39-5-4, 39-5-5, 39-5-6, 41-16-20, and 41-16-50 of the Code of Alabama 1975, relating to the competitive bid laws; to incorporate and make uniform all of the competitive bid laws for public works contracts for the state and its political subdivisions; to exempt public works contracts from certain competitive bid provisions that govern all other public contracts for the state and its political subdivisions; to provide standards for awarding authorities to prequalify contractors; to provide for enforcement of the competitive bid laws for public works contracts; to provide for definitions; to increase the criminal fines; and to specifically repeal Sections 39-3-2, 39-3-3, 41-16-1, 41-16-80, 41-16-81, and 41-16-82 of the Code of Alabama 1975, relating to contractors engaged in construction of public buildings or improvements, the penalties, withdrawals by the contractor of the amounts retained from payments due the contractor pursuant to the contract, the procurement of surety bonds or insurance contracts, the execution of surety bonds or insurance contracts, and conflicts in invitations for bids and contract documents.

H. 455. To amend Section 36-16-8 of the Code of Alabama 1975, relating to the Property Inventory Control Division of the Office of the State Auditor; to reenact the provisions to exempt the property transferred to the Department of Archives and History from being disposed of, transferred, assigned, or entrusted to any other state department, agency, or employee; and to reenact the provisions to exclude historical materials in the custody of the Department of Archives and History from the biannual inventory by the State Auditor.

H. 328. To establish a volunteer health care provider program in the Department of Public Health; to register qualified health care providers willing to volunteer their professional services; to provide for the maintenance of a list of eligible and participating hospitals, clinics, and health care facilities and referral programs in need of volunteer health care services; to make the list available to registered health care providers; and to categorize health care providers registered in the program as state employees for purposes of civil liability.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 243. (With Substitute): To amend Section 22-17-1, Code of Alabama 1975, relating to barbering, to further define the word "barber" to include additional services which may be performed by a barber.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 404. (With Amendment): To designate U. S. Highway 80 from Selma to Montgomery and Alabama Highway 14 from Selma to Marion the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 393. Relating to athlete agents; to amend Sections 8-26-2, 8-26-3, 8-26-7, 8-26-22, and 8-26-27, Code of Alabama 1975; to provide for the definition of student-athlete; to provide for appointments to the commission; to provide reporting requirements of the Secretary of State to the commission; to further provide the requirements of granting or renewing registrations; to require notice to a college or university of a signing of a contract; to create contract requirements; to allow civil actions by colleges or universities for certain actions of the athlete agent and student-athlete; to further provide for business and financial records of athlete agents, penalties for violations, regulating activities of athlete agents with students participating in sports in grades 10 and above; and repealing Sections 8-26-32 and 8-26-33, Code of Alabama 1975.

H. 152. To amend Section 41-16-120 of the Code of Alabama 1975, to increase the payment period for purchases of surplus property; and to amend Section 41-16-123 of the Code of Alabama 1975, to increase the level of accountability for the inventory for property at the Surplus Property Division.

H. 396. To require the State Board of Education to make the public high school graduation examination available to nonpublic high school students for a reasonable fee.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 553. (With Substitute): To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 554. (With Amendment): To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 341. To state the legislative purpose; to define terms; to require that no person shall practice medicine or osteopathy across state lines unless he or she has been issued a special purpose license to practice medicine or osteopathy across state lines; to authorize the Medical Licensure Commission to issue a special purpose license to an applicant certified by the State Board of Medical Examiners; to provide that a special purpose license shall be valid for a period of three years and may be renewed upon payment of a renewal fee established by the Medical Licensure Commission in its regulations; to provide that the issuance of a special purpose license subjects the licensee to the jurisdiction of the Board of Medical Examiners and Medical Licensure Commission; to provide that the Medical Licensure Commission is authorized to temporarily suspend a special purpose license on stated grounds; to provide that a licensee shall comply with all laws, rules, and regulations governing maintenance of patient medical records and patient confidentiality; to provide exemptions from the requirement to obtain a special purpose license; to provide sanctions for violation of the requirements of this act; to require that a special purpose license to practice medicine be issued only to physicians whose principal practice location is in a state which makes provision for reciprocal licenses to physicians and osteopaths practicing in the State of Alabama; to authorize the State Board of Medical Examiners and Medical Licensure Commission to adopt rules and regulations to affect the purposes of this act; and to provide for the effective date of this act.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 271. (With Amendment): To ban partial-birth abortions, ban abortions of any fetus capable of living outside the womb, except under certain circumstances, provide injunctive relief and damages, and prescribe penalties for violations of this act.

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 322. To amend Section 5-19-4 of the Code of Alabama 1975, to provide further for late charges on certain scheduled payments which are in default.

H. 509. To require a consumer credit reporting agency to remove certain information from the consumer credit report within a certain period of time.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 316. Relating to insurance, to provide further for the regulation of Medicare supplement insurance and long-term care insurance by amending Sections 27-19-50, 27-19-52, 27-19-53, 27-19-54, 27-19-55, 27-19-56, and 27-19-57 of, and to add Sections 27-19-52.1, 27-19-57.1, 27-19-57.2, and 27-19-59 to the Code of Alabama 1975, and adding an Article 3 (commencing with Section 27-19-100) to Chapter 19 of Title 27 of the Code of Alabama 1975, establishing the "Long-Term Care Insurance Policy Minimum Standards Act."

H. 327. To state legislative findings, to modify existing law concerning the rights of property insurers by granting insurers, under certain circumstances, the substantive independent right to pursue subrogation and recover amounts paid to their insureds even though the insured may not be fully compensated for all damages sustained; to provide a procedure for the prosecution of such subrogation claims and for rules concerning the joining of parties to suits and the entitlement of the insured and the insurance company to proceeds of any recovery; to allow a subrogating insurer an additional period of 60 days following the expiration of the time allowed by law for the insured to file a civil action against the tortfeasor where the insured has filed no civil action against the tortfeasor for damage to property; to provide a procedure by which a tortfeasor may protect itself from multiple suits; to specify the appropriate forum for and the procedures to be used in resolving disputes arising from the pursuit of subrogation rights afforded by this act; to change existing law prohibiting the splitting of causes of action to permit the

insurer to maintain an independent right to recover its subrogation interest from a tortfeasor regardless of whether the insured pursues recovery of other damages from the tortfeasor; to modify the doctrines of res judicata and collateral estoppel to permit insureds and insurers to maintain separate actions for the recovery of their respective losses in such a manner that no action by the insurer will prejudice the rights of the insured; to provide the insured with the option of permitting the subrogating insurer to pursue and recover the insured's deductible and providing that the subrogating insurer, in that event, shall reimburse the insured his or her deductible out of the first monies recovered; to prohibit double recovery of property damage by an insured and to prohibit insureds from prejudicing the insurer's subrogation rights.

S. 224. To provide for the coverage of reconstructive breast surgery incident to a mastectomy by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

H. 612. To prohibit an insurance company from denying health or disability coverage or benefits of an applicant or insured upon diagnosis of dyslexia.

S. 113. Relating to health insurance and health benefit plans; to prohibit a health insurer or health benefit plan from requiring as a condition of insurability that a person take a genetic test which may show whether the person has a predisposition for cancer; and to prohibit a health benefit plan from using the results of any genetic test which may show the predisposition of a person for cancer to determine insurability or to otherwise discriminate against the person in rates or benefits based on the genetic test results.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 318. (With Amendment): Relating to the rights of patients in managed care plans in the State of Alabama; requiring: Emergency medical services, and access to health care services, notification of patients of changes in the status of a health care provider; allowing physicians to disclose medically necessary or appropriate health care information to patients; prohibiting certain financial incentives to reduce or limit medically necessary services to patients; providing a self-referral option for certain patients; establishing a complaint and grievance system; requiring certain provisions in provider agreements; affording notice of the sale or rental of provider network discounted fee arrangements; and providing a mechanism for enforcement of the act's provisions.

Representative Lindsey, Chairperson of the Standing Committee on Agriculture, Forestry and Natural Resources, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 429. Relating to the civil action for damages because of disparagement of a food product or commodity; amending Sections 6-5-620, 6-5-621, 6-5-623, and 6-5-624 of the Code of Alabama 1975, relating to the legislative intent, definitions, defenses, and limitations on the cause of action for damages in disparagement actions.

H. 430. To prohibit the use of fishing boxes to catch catfish unless a portion of the slats are spaced a certain distance apart and to provide penalties.

H. 525. To amend Section 9-11-91, Code of Alabama 1975, relating to fishing in private bodies of water, to further provide for certain penalties.

H. 526. To provide for the issuance of one-day fishing permits to certain groups of young persons for organized fishing events; and to provide an exemption from fishing licensure requirements for the persons covered by the permit.

H. 527. To authorize the Game and Fish Division of the Department of Conservation and Natural Resources to collect fees for lists of licensees, and to provide for the setting of the amounts of the fees and disposition of the proceeds.

H. 533. To amend Section 1-2-12, Code of Alabama 1975, to specify the species of southern pine to be designated as the state tree.

H. 534. To amend Section 1-2-11, Code of Alabama 1975, to specify the species of camellia to be designated as the state flower; and to designate a state wildflower.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 148. Relating to boats and vessels; to prohibit the unauthorized alteration of identification numbers on or the registration information relating to boats, outboard motors, or identifiable component parts thereof; to provide criminal penalties for violations, including illegal possession thereof; and provide for forfeiture procedures under certain conditions.

H. 317. To amend Sections 9-17-105, 9-17-106, and 9-17-110, relating to the Liquefied Petroleum Gas Board to further provide for the permits issued by the board; and for the use of the Liquefied Petroleum Gas Research and Education Fund.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 168. To amend Section 13A-7-29, Code of Alabama 1975, relating to the offense of criminal littering to provide for prima facie evidence for certain material found in the litter.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 48. (With Amendment): To provide that only an authorized representative of the manufacturer or distributor may offer drugs, cosmetics, medical devices, and baby food and infant formula for sale at a flea market; to provide that the representative shall carry proof of authorization; and to provide penalties for violations.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 180. To amend Section 11-89-1 of the Code of Alabama 1975, to permit cooperative corporations organized under Article 9 (commencing with Section 10-4-190) of Chapter 4 of Title 10 of the Code of Alabama 1975, to form as an independent corporate instrumentality of the state to render water or sewer services.

H. 332. To amend Sections 11-24-1, 11-24-2, and 11-24-3, Code of Alabama 1975, which relate to the regulation of subdivisions by counties; to require county commissions to approve or disapprove plats for proposed subdivisions; to provide that the county commissions may establish boards of developers; and to provide for civil enforcement of the regulations, including civil penalties for violations.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 481. (With Amendments): To amend Sections 11-43-144 and 36-21-102 of the Code of Alabama 1975, to provide compensation for a physical disability of a fire fighter; to provide educational benefits for the spouse and the children of a fire fighter and a law enforcement officer with an occupational disease or physical disability; and to provide for retroactive effect.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 398. Relating to Marshall County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Marshall County, except for the chief deputy, to the authority of the Personnel Board of Marshall County.

The above bill was read a second time at length as required by the Constitution.

H. 632. Relating to Walker County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

Representative Melton, Chairperson of the Standing Committee on Military Affairs, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 359. To amend Section 31-5-3, Code of Alabama 1975, to add a member to the State Board of Veterans' Affairs who is a representative of the Marine Corps League.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Burke, Hawkins, Ford, Crigler, Petelos, Lindsey, Black (M), Clouse, and Gaston:

H. 649. To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

COMMITTEE ON WAYS AND MEANS

By Representatives Minnifield and Hinshaw:

H. 650. Proposing an amendment to the Constitution of Alabama of 1901, to authorize the conduct of super bingo games by the Alabama Veterans Foundation, Inc.

COMMITTEE ON TOURISM, ENTERTAINMENT AND SPORTS

The above bill was read a first time at length as required by the Constitution.

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By Representatives Minnifield and Hinshaw:

H. 651. To authorize the conduct of super bingo by the Alabama Veterans Foundation, Inc., and provide for the powers and duties of the foundation; to provide for the disposition of the super bingo proceeds; and to prescribe penalties for certain violations.

COMMITTEE ON TOURISM, ENTERTAINMENT
AND SPORTS

By Representative Robinson:

H. 652. To amend Section 13A-12-213 of the Code of Alabama 1975, to provide that the crime of unlawful possession of marihuana in the first degree include the possession of marihuana for personal use if the defendant has a prior conviction of any controlled substance crime.

COMMITTEE ON JUDICIARY

By Representative Hall (L):

H. 653. To provide for the advising, attending, or assisting of a woman during pregnancy, labor, natural childbirth, and the postpartum period by certified professional midwives; to create the Certified Professional Midwifery Board to regulate and license the practice of midwifery; to prescribe fees; and to prescribe penalties for violations.

COMMITTEE ON HEALTH

By Representatives Morton, Payne, Houston, Minnifield, Townsend, Carns, and Newton (D) (With Notice and Proof):

H. 654. Relating to Jefferson County; to provide for the salary of the sheriff commencing with the next term of office.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 654, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Sanderson, Hammett, Hill, Carter, McDaniel, and Petelos:

H. 655. Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens

and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

COMMITTEE ON COMMERCE,
TRANSPORTATION AND UTILITIES

By Representative Allen:

H. 656. To provide for distinctive motor vehicle license plates for members of the Alabama Women's Bowling Association; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Payne, Perdue, Hammett, Newton (D), Turner, Drake, Johnson (E), Holmes, Rogers (J), Burke, Sanderson, Black (M), and Haney:

H. 657. To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carothers and Johnson (R):

H. 658. To amend Sections 34-11-1, 34-11-2, 34-11-3, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-10, 34-11-11, 34-11-12, 34-11-14, 34-11-15, 34-11-30, 34-11-31, 34-11-32, 34-11-34, 34-11-35, 34-11-36, and 34-11-37 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors; to rename the board; to regulate the registration and fees, with expiration and renewal requirements for registration; to provide further for the issuance of certificates of authorization to certain corporations, partnerships, or firms practicing engineering or land surveying; to regulate further the compensation, powers, and duties of the members of the board; to regulate corporate practice; and to provide for penalties.

COMMITTEE ON STATE ADMINISTRATION

By Representative Petelos:

H. 659. To amend Section 9-11-244 of the Code of Alabama 1975, prohibiting hunting of birds or animals through the use of bait, to further provide for an affirmative defense to a violation of this section based on the knowledge or reasonable expectations of the hunter and for the burden of proof for a conviction.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative Turner:

H. 660. To amend Sections 9-12-28, 9-12-33, and 9-12-67 of the Code of Alabama 1975, to provide for the designation of ports for landing oysters by water by the Commissioner of Conservation and Natural Resources and to delete the designation of ports for landing shrimp and to further provide for the harvesting of oysters and the culling, sacking, and tagging of oysters for commercial purposes.

COMMITTEE ON NAVIGATION AND
WATERWAYS

By Representatives Houston, Rogers (J), Johnson (E), Perdue, Newton (D), Minnifield, Spratt, Hilliard, and Melton:

H. 661. To amend Sections 34-31-18 and 34-31-28 of the Code of Alabama 1975 to provide for the certification of Heating and Air Conditioning Contractors by grandfathering.

COMMITTEE ON STATE ADMINISTRATION

By Representative Gaines:

H. 662. Relating to limited liability companies, to define the terms business entity and organizer; to provide for the power of a company to be an organizer and assume certain capacities; to permit the use of certain abbreviations in the name of a company; to provide for the classification of a company for taxation and certain other purposes; to permit one person to form a company; to specify the contents of the articles of organization, including the name and address of any organizer and the rights of members in certain instances and for the filing of the articles; to permit an organizer to execute the articles of organization; to specify that the organizer is not subject to certain liabilities; to provide for an agent for service of process, for change of designation of an agent or address, and the duty of the registered agent; to delete certain reporting requirements; to permit inspection of records in certain instances; to specify the fiduciary duties of loyalty and care a member owes to a company and certain limitations, applications, modifications, and exceptions to such duties; to permit classes or groups of members or managers with specified rights, powers, duties, and voting rights, and to permit certain voting procedures; to provide that the initial operating agreement would be agreed to by all members; to provide further for distribution of property and the purchase of a member's interests; to specify the financial rights of the estate of a deceased or incompetent member, including rights regarding the inspection of records and rights to the duties of care and loyalty; to provide for the financial rights of a member subject to a charging order; to provide for cessation of membership and the effect upon certain rights and duties; to provide for dissolution and the effect if there are no remaining members; to specify the effect of the transfer of interest in a company performing professional services; to permit a representative to register a foreign limited liability company and to cancel the registration; to provide that articles of merger shall contain a foreign business

entity's consent to service of process; specifying application to existing and future companies and a delayed effective date; and amending Sections 10-12-2, 10-12-4, 10-12-5, 10-12-8, 10-12-9, 10-12-10, 10-12-12, 10-12-13, 10-12-14, 10-12-15, 10-12-16, 10-12-21, 10-12-22, 10-12-24, 10-12-29, 10-12-30, 10-12-34, 10-12-35, 10-12-36, 10-12-37, 10-12-45, 10-12-47, 10-12-51, and 10-12-55.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Millican, Johnson (R), Dolbare, Laird, Layson, Galliher, Hinshaw, Graham, McDaniel, Murphree, Turnham, Collins, Burke, and Morrow:

H. 663. To provide for the display of the United States Constitution, the Declaration of Independence, and the Ten Commandments in public schools.

COMMITTEE ON EDUCATION

By Representatives Millican, Johnson (R), Laird, Dolbare, Layson, Galliher, Hinshaw, Graham, McDaniel, Murphree, Turnham, Collins, Burke, and Morrow:

H. 664. To provide for the display of the United States Constitution, the Declaration of Independence, and the Ten Commandments in courtrooms.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Hall (L), Page, Ford, Letson, Hinshaw, Papucci, Black (L), Black (M), Hawk, Newton (D), and Boyd:

H. 665. To amend Sections 25-7-50, 25-7-52, and 25-7-53 of the Code of Alabama 1975, relating to local arbitration boards; to require arbitration by the board in employer-employee disputes; to permit the application of personnel board procedures instead of arbitration; to increase the compensation of local board of arbitration members; and to provide that the decision of the board is final and binding on the parties.

COMMITTEE ON BUSINESS AND LABOR

By Representatives Hall (L), Kennedy, Graham, and Boyd:

H. 666. To require that the Alabama Coalition Against Domestic Violence, Incorporated, establish standards for domestic violence shelters for membership in the coalition; to enable domestic violence shelters that meet the standards to be eligible to receive state funds, and to provide for the distribution of the funds; and to require the coalition to establish standards for counseling programs for perpetrators of domestic violence.

COMMITTEE ON STATE ADMINISTRATION

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By Representatives Townsend and Murphree:

H. 667. To establish certain procedures, rights, and interests of insurance companies in relation to the insured and tortfeasor.

COMMITTEE ON INSURANCE

By Representative Knight (J):

H. 668. To amend Section 40-1-46, Code of Alabama 1975, to increase the annual additional compensation of certain tax officials to \$2,000 annually; to provide that the compensation will be known as the professional education incentive; to repeal the requirement that recipients receive their certification at least six months prior to the start of the fiscal year; and to further clarify certain other language.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Knight (J):

H. 669. To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay travel expenses.

COMMITTEE ON EDUCATION

By Representative Gaines:

H. 670. To exempt Better Basics, Inc., from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Rogers (J), Payne, Houston, Townsend, Perdue, Gaines, Carns, Hawkins, and Spratt (With Notice and Proof):

H. 671. Relating to the City of Birmingham in Jefferson County; amending Section 3 of Act No. 95-736, H. 568 of the 1995 Regular Session (Acts 1995, p. 1571), providing for an increase in the membership of the board of commissioners of the Birmingham Stadium and Exposition District Commission.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 671, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Turnham:

H. 672. To amend Section 7 of Act 96-572, 1996 Regular Session, now appearing as Section 36-27-132, Code of Alabama 1975, to further provide for a cost-of-living increase for certain persons receiving benefits from the Employees' Retirement System, including beneficiaries of deceased persons currently receiving survivor benefits, who were employed by Auburn University or its cooperative extension service and whose effective date of retirement is prior to October 1, 1996.

COMMITTEE ON WAYS AND MEANS

By Representative Black (M):

H. 673. To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

COMMITTEE ON WAYS AND MEANS

By Representative Laird:

H. 674. To amend Sections 40-23-2 and 40-23-61, Code of Alabama 1975, to increase the state sales and use tax general rates to four and one-quarter percent on January 1, 1997, to four and one-half percent on January 1, 1998, to four and three-quarters percent on January 1, 1999 and to five percent on January 1, 2000; to phase out the state sales and use taxes on food by reducing the rates by one percentage point per year beginning January 1, 1997; to exempt sales of food from the sales and use taxes beginning January 1, 2000; and to prohibit counties and cities from increasing their sales and use taxes on food over the rate in effect on the effective date of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Sims:

H. 675. To provide for distinctive motor vehicle license plates for Retired Alabama Peace Officers Annuity and Benefit Fund; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 676. To provide for an additional circuit judgeship in the 37th Judicial Circuit; to provide for a Family Court Division of the circuit court; and to designate the additional judgeship as the presiding judge in the Family Court Division.

COMMITTEE ON WAYS AND MEANS

By Representatives Venable and Turnham:

H. 677. To provide that any probate judge retired under the Judicial Retirement Fund shall be entitled to receive all cost-of-living adjustments provided for retired state employees after the effective date of this act.

COMMITTEE ON WAYS AND MEANS

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Carns and Page:

H.R. 170. COMMENDING DR. JOSEPH HUGHES OF BIRMINGHAM, ALABAMA, ON HIS OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Joint Resolution No. 78, without the Governor's signature and with a suggested Executive Amendment.

Done this 25th day of February, 1997.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Joint Resolution No. 78, without my signature, but with the following suggested Executive Amendment:

EXECUTIVE AMENDMENT TO HOUSE JOINT RESOLUTION NUMBER 78:

Please amend on page 3, line 11, by removing the following sentence: "The committee shall have subpoena power".

The adoption of the above suggested Executive Amendment will remove my objections to this resolution.

Done on this the 25th day of February, 1997.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Johnson (R), the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the resolution, H.J.R. 78, said Governor's amendment being set out in the foregoing Message from the Governor.

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Minnifield, the Budget Isolation Resolution relating to the bill, H. 161, was adopted.

Yeas 29; Nays 2.

Yea:

Mr. Speaker, Black (L), Black (M), Clark (W), Clouse, Collins, Drake, Dukes, Gaines, Graham, Guin, Hill, Holmes, Houston, Johnson (E), Lindsey, McAdory, Melton, Minnifield, Moore, Murphree, Newton (C), Papucci, Petelos, Rogers (J), Sanderford, Seibenhener, Starkey and Turner.

-29

Nay:

Representatives Curry and Sanderson.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 161. (With Amendment): Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 161, said committee amendment being as follows:

Amend H. 161 on page 2, Section 3, line(s) 16 by striking after the word "least" the following: 2+ and inserting in lieu thereof, the following: 18.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 27; Nays 1.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Gaines, Guin, Hayden, Hill, Hilliard, Holmes, Houston, Johnson (E), Lindsey, McAdory, Melton, Millican, Minnifield, Morton, Murphree, Newton (D), Papucci, Petelos, Sanderson, Seibenhener, Thomas (D), Turner and Turnham.

-27

Nay:

Representative Curry.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 161. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 38; Nays 2.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Carns, Clark (W), Dolbare, Drake, Dukes, Gaines, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Holmes, Houston, Johnson (E), Lindsey, McAdory, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Petelos, Robinson, Starkey, Thomas (D), Townsend, Turner, Turnham and Willis.

-38

Nay:

Representatives Curry and Sanderson.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 540, was adopted.

Yeas 38; Nays 1.

Yea:

Mr. Speaker, Black (M), Carns, Carothers, Collins, Curry, Dean, Dolbare, Gaines, Gaston, Graham, Guin, Hall (A), Hawkins, Hill, Hilliard, Houston, Johnson (E), Johnson (R), Lindsey, McAdory, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Petelos, Sanderford, Sanderson, Spratt, Thomas (D), Townsend, Turner, Turnham and Willis.

-38

Nay:

Representative Minnifield.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 540. Relating to Jefferson County; providing for single-member districts for the county governing body, pursuant to the amended federal court order, and related orders, dated October 31, 1985, and subsequently redrawn by resolution of the county commission pursuant to Section 11-3-1.1 of the Code of Alabama 1975; providing for residency requirements for commissioners, the duties and the conduct of its affairs, and the selection of the president of the county commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 38; Nays 1.

Yea:

Mr. Speaker, Black (M), Carns, Collins, Curry, Dean, Dolbare, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hawkins, Hill, Hilliard, Houston, Johnson (E), Lindsey, McAdory, Mitchell, Morrison, Morrow, Morton, Murphree, Papucci, Payne, Petelos, Pringle, Robinson, Sanderford, Sanderson, Spratt, Thomas (D), Townsend, Turner, Turnham and Willis.

-38

Nay:

Representative Minnifield.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 25, was adopted.

Yeas 44; Nays 2.

Yea:

Mr. Speaker, Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (R), Laird, Lindsey, McAdory, Millican, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Thomas (D), Townsend, Turner, Turnham and Willis.

-44

Nay:

Representatives Minnifield and Payne.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 25. Relating to Jefferson County; to assign place numbers to the five positions on the Jefferson County Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 39; Nays 2.

Yea:

Mr. Speaker, Black (M), Carns, Carothers, Clouse, Collins, Curry, Dean, Drake, Gaines, Gaston, Graham, Guin, Hall (A), Haney, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (E), Lindsey, Millican, Moore, Morrow, Morton, Murphree, Papucci, Petelos, Robinson, Rogers (J), Sanderford, Sanderson, Spratt, Thomas (D), Townsend, Turner, Turnham and Willis.

-39

Nay:

Representatives Minnifield and Payne.

- 2

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 171. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 8th legislative day, Thursday, February 27, 1997, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 162 (By Payne)	8
Elections, electronic voting systems for elections, testing of	
H. 88 (By Carter)	7
Jitney buses, st. registration fees and license taxes abolished, Secs. 40-12-240, 40-12-246, 40-12-258, Sec. 40-12-245 repealed	
H. 146 (By Turnham)	15
Boats, driving under influence (DUI), blood alcohol level lowered to .08 percent, Sec. 32-5A-191.3 am'd.	
H. 236 (By Burke)	14
Health maintenance organizations subject to premium tax rates for health insurers, Sec. 27-21A-28 am'd.	
H. 222 (By Venable)	9
Superintendent of Ed., Co., to take office on January 1 following election, Sec. 16-9-8 am'd.	
H. 208 (By Johnson R)	4
Marriage and Family Therapy, Bd. of Examiners in, estab., licensure requirements, practice reg., penalties	
H. 384 (By Rogers J)	1
Schools, insurance for full replacement value, Finance Dept., Risk Management Div., Secs. 16-8-42, 16-11-27 am'd.	

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H. 373 (By Hill)

29

Income tax, treatment of common trust funds, conversions of common trust funds to mutual funds, retro. effect, Secs. 5-12A-15, 40-18-8 am'd.

H. 251 (By Petelos)

19

Prison system, inmates, blood donation to American Red Cross, deduction from sentence repealed, Sec. 14-9-3 repealed

H. 50 (By Clouse)

22

Limited partnerships and foreign limited partnerships, name may include abbreviation "L.P.", Secs. 10-9A-2, 10-9A-163 am'd.

H. 84 (By Laird)

70

County Commissions, term, time of commencing, Sec. 11-3-1 am'd.

H. 306 (By Black M)

22

Legal separation, court may grant decree re, standards, effects, remedy of divorce from bed and board abolished, Secs. 30-2-30, 30-2-31 repealed

H. 453 (By Carothers)

75

Right-of-way property, former owner may collect produce that falls from trees on adjacent property

On motion of Representative Carter, the resolution, H.R. 171, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Payne, the Budget Isolation Resolution relating to the bill, H. 162, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawkins, Hayden, Hill, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McAdory, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Starkey, Thomas (D), Turnham, Vance, Venable and Wren.

-66

And the bill:

H. 162. (With Amendment): Relating to elections; to provide for the testing of electronic voting systems for an election.

was taken up.

SUBSTITUTE OFFERED

Representative Payne offered the following substitute to the bill, H. 162, and to the pending amendment reported by the Standing Committee on Constitutions and Elections:

A BILL TO BE ENTITLED AN ACT

Relating to elections; to provide for the testing of electronic voting systems for an election.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Before testing an ~~electronic voting system~~ automatic tabulating voting equipment used for counting paper ballots for an election, a written notice shall be mailed to the county chair of each political party having a candidate on the ballot, stating the time and place of the test. The political party representatives and representatives of independent candidates may be present for the test, which shall be held at least two weeks before the election except that in the case of a runoff election, the test shall be held at least ten days before the election. The test shall ascertain that the automatic tabulating equipment will accurately count the votes cast for all offices and all measures. The test shall be conducted by

processing a preaudited group of paper ballots on ballot cards on which are recorded a predetermined number of valid votes for each candidate and on each measure and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject the votes. During the test a different number of valid votes shall be assigned to each candidate for an office, and for and against each measure. If any error is detected, the cause of the error shall be ascertained and corrected and an errorless count shall be secured and certified to by the county clerk. The tabulating equipment shall pass the same test before ~~and after~~ the ballot count on an election day before the election returns are certified by the Secretary of State or judge of probate. On completion of the count, the programs, test materials, and ballots shall be sealed and retained as provided for paper ballots. The cost of testing shall qualify as an expense under Section 17-21-1 of the Code of Alabama 1975 such that the county shall receive reimbursement by the State for the testing.

Section 2. In each county where there is an ~~electronic voting system~~ automatic tabulating voting equipment used for counting paper ballots for an election, which counts incorrectly from the count before the actual voting, then the counting of ballots shall be by hand.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

-74

And the bill:

H. 162. Relating to elections; to provide for the testing of electronic voting systems for an election.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carter, the Budget Isolation Resolution relating to the bill, H. 88, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Wren.

-75

And the bill:

H. 88. To amend Sections 40-12-240, 40-12-246, and 40-12-258, Code of Alabama 1975, relating to jitney buses, and to repeal Section 40-12-245, Code of Alabama 1975, to abolish the separate category of jitney buses for licensing and registration purposes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-82

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 146, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hogan, Johnson (E), Jorgensen, Laird, Layson, Lindsey, Maul, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

-66

And the bill:

H. 146. To amend Section 32-5A-191.3, Code of Alabama 1975, to prohibit the operation of a vessel and certain other marine devices by a person with 0.08 percent or more by weight of alcohol in the blood.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 236, was adopted.

Yeas 62; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Dolbare, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Houston, Johnson (E), Johnson (R), Laird, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Townsend, Turner, Venable, Willis and Wren.

-62

Nay:

Representatives Seibenhener and Thomas (D).

- 2

And the bill:

H. 236. Relating to premium tax with respect to health maintenance organizations; to amend Section 27-21A-28, Code of Alabama 1975, to repeal the classification for tax purposes of health maintenance organizations as life insurers, to make health maintenance organizations subject to the premium tax rates applicable to health insurers; and to provide for its retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Houston, Johnson (E), Johnson (R), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Townsend, Turnham, Venable, Willis and Wren.

-65

Nay:

Representatives Seibenhener and Thomas (D).

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 222, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Spratt, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-77

And the bill:

H. 222. To amend Section 16-9-8, Code of Alabama 1975, to provide that elected county superintendents of education take office on January 1 following election.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-77

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 222:

Representatives Allen, Baker, Black (M), Box, Boyd, Burke, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Galliher, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Perdue, Petelos, Robinson, Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Vance, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 208, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson,

Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-73

And the bill:

H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

was taken up.

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment #1 to the bill, H. 208:

Amend House Bill 208 on page 2, line 5 and 6 by deleting the words ", and account interest".

Further amend House Bill 208 on page 22, line 23 by deleting the words ", accounts interest,".

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hill, Hinshaw, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, Maull, McAdory, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Venable, Willis and Wren.

-66

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment #2 to the bill, H. 208, as amended:

On page 6, lines 14 and 15, delete the words "and which is determined by the board to meet community needs"

On page 7, after line 6, add the following new subdivision (5) and renumber the existing (5) to (6):

(5) A licensed certified social worker, properly licensed by the State of Alabama, who is practicing within the scope of his or her expertise.

On page 7, line 11, delete the word "clinical"

On page 7, line 11, after the language "social workers" add: , attorneys

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-72

And the bill:

H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

as amended, was read a third time at length and passed, and ordered engrossed.

REGULAR SESSION
8th Day

561

Yeas 73; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-73

Nay:

Representative Seibenhener.

- 1

And the bill:

H. 384. (With Amendment): To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

and the pending amendment reported by the Standing Committee on Education on the seventh legislative day were taken up.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 384, and the committee amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison,

8th Day

Morrow, Morton, Newton (C), Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Vance and Willis.

-75

And the bill:

H. 384. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Dean, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance and Willis.

-77

Nay:

Representatives Dolbare and Layson.

- 2

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 384, as amended:

Representatives Allen, Baker, Black (L), Black (M), Box, Burke, Carter, Clark (W), Crigler, Drake, Galliher, Graham, Hall (A), Haney, Hayden, Hilliard, Hinshaw, Hooper, Jackson, Johnson (E), Letson, Lindsey, Maull, Mitchell, Morrow, Murphree, Page, Papucci, Penry, Robinson, Sanderson and Starkey.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 373, was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Warren, Willis and Wren.

-79

And the bill:

H. 373. (With Substitute): To amend Section 5-12A-15, Code of Alabama 1975, to provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. § 584; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. § 584; and to provide for a retroactive effect.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Banking to the bill, H. 373, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To amend Section 5-12A-15 of the Code of Alabama 1975, to clarify and provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. §584, as amended from time to time; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. §584; and to provide for retroactive effect.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 5-12A-15 and 40-18-8, Code of Alabama 1975, are amended to read as follows:

"§5-12A-15.

"A common trust fund, ~~(whether established, maintained, and administered pursuant to the requirements of this chapter or established, maintained, administered, and invested in without regard to the requirements and limitations of this chapter, as provided in Section 5-12A-13),~~ shall not be subject to taxation under any income tax law of the State of Alabama. ~~Each participant having a participating interest in such common trust fund in computing its net income for state income tax purposes shall include, whether or not distributed and whether or not distributable, (i) its proportionate share of any taxable net income or loss of such common trust fund, and (ii) its proportionate share of any taxable gain or loss realized on the sale or exchange of property by such common trust fund. In reporting the share of such income or of such gains or losses on sale or exchange of property of such common trust fund, each participant shall show its proportionate part of each classification thereof which may for tax purposes be accorded different treatment so as to receive the same treatment as if such income or gains or losses had been realized directly by such participant. No gain or loss shall be realized by the common trust fund or by any other participant by the admission or withdrawal of a participant. The withdrawal of any participant shall be treated as a sale or exchange by such participant of the interest withdrawn, after adjustment of cost basis to reflect its proportionate part of gains or losses realized on the sale or exchange of property of the common trust fund previously reported by such participant. The computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, shall be determined in accordance with 26 U.S.C. §584, as amended from time to time. Every trust institution maintaining a common trust fund shall make a return under oath for each fiscal year, stating specifically with respect to such the fund the items of gross income and the deductions allowed by law, and shall include in the return the names and addresses of the participants entitled to share in the net income of such the fund and the amount of the proportionate share of each participant. If the fiscal year of the common trust fund is different from that of a participant, the inclusions with respect to the net income of the common trust fund, in computing the net income of the participant for its taxable year, shall be based upon the net income of the common trust fund for any fiscal year of the common trust fund ending within the taxable year of the participant.~~

"§ 40-18-8.

"(a) General rule.--~~Upon~~Except as provided in this section, upon the sale or exchange of property, the entire amount of the gain or loss determined under Section 40-18-7 shall be recognized,~~except as hereinafter provided in this section.~~

"(b) Exchange of stock for stock of same corporation.--No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporation is exchanged solely for preferred stock in the same corporation.

"(c) Like kind exchanges. --If an exchange of property satisfies the requirements of 26 U.S.C. § 1031, {relating to like kind exchanges}, then the amount of gain or loss recognized in ~~such~~ the exchange shall be determined in accordance with ~~said~~ 26 U.S.C. § 1031.

"(d) Involuntary conversions. --If a taxpayer validly elects to determine the amount of gain recognized for federal income tax purposes under 26 U.S.C. § 1033, {relating to involuntary conversions}, the amount of gain recognized shall be determined in accordance with ~~said~~ 26 U.S.C. § 1033.

"(e) Rollover of gain on sale of principal residence.--If a taxpayer sells his principal residence and purchases a new principal residence located within Alabama and if the requirements of 26 U.S.C. § 1034 are satisfied, then the amount of gain recognized on ~~such~~ the sale shall be computed in accordance with ~~said~~ 26 U.S.C. § 1034.

"(f) Transfer of property to corporation controlled by transferor. --If property is transferred to a corporation in a transaction which satisfies the requirements of 26 U.S.C. § 351, {relating to transfers to corporations controlled by the transferor}, the amount of gain or loss recognized shall be determined in accordance with ~~said~~ 26 U.S.C. § 351, as modified by 26 U.S.C. § 357, {relating to the recognition of gain as a result of the transferee corporation's assumption of liabilities}.

"(g) Reorganizations. --In the case of a reorganization defined in 26 U.S.C. § 368, {relating to definitions applicable to corporate reorganizations}, or a distribution, {other than a reorganization}, subject to 26 U.S.C. § 355, the amount of gain or loss recognized shall be determined in accordance with 26 U.S.C. §§ 354, 355, 356, 361, 371, and 374.

"(h) Exchange of stock for property. --No gain or loss shall be recognized by a corporation on the receipt of money or other property in exchange for stock, {including treasury stock}, of ~~such~~ the corporation.

"(i) Complete liquidation of subsidiaries. --No gain or loss shall be recognized on the receipt by a corporation of property on the complete liquidation of a subsidiary corporation when the requirements of 26 U.S.C. § 332, {relating to complete liquidation of subsidiaries}, are satisfied.

"(j) Gain or loss on sales or exchanges in connection with certain liquidations.--The amount of gain or loss recognized by a corporation on the sale or exchange of property shall be determined in accordance with 26 U.S.C. § 337 if every requirement for the application of ~~said~~ 26 U.S.C. § 337 is satisfied.

"(k) Election under 26 U.S.C. § 338.--If an acquiring corporation makes an election under 26 U.S.C. § 338, the amount of gain recognized by the target corporation shall be determined under ~~said~~ 26 U.S.C. § 338.

"(l) Taxability of corporation on distribution. -- The amount of gain recognized by a corporation on the distribution of its stock, rights to acquire its stock, or property shall be determined in accordance with 26 U.S.C. § 311, {relating to taxability of corporations on distributions}.

"(m) Gain recognized on liquidation.--The amount of gain recognized by a liquidating corporation on the distribution of its property in complete liquidation shall be determined under 26 U.S.C. § 336.

"(n) Definition. -- The term "reorganization" as used in this chapter shall have the same meaning as in 26 U.S.C. § 368(a).

"(o) Gain or loss on property transferred to spouse or former spouse. -- Gain or loss shall not be recognized on the transfer of property to a spouse or former spouse if ~~such~~ the gain or loss is not recognized for federal income tax purposes by reason of 26 U.S.C. § 1041.

"(p) Sales of stock to employee stock ownership plans or certain cooperatives.--The amount of gain recognized by a taxpayer who has validly elected to determine the amount of gain recognized for federal income tax purposes under 26 U.S.C. § 1042, {relating to sales of stock to employee stock ownership plans or certain cooperatives}, shall be determined in accordance with ~~said~~ 26 U.S.C. § 1042. If a taxpayer disposes of any qualified replacement property and recognizes gain under 26 U.S.C. § 1042(e), then, notwithstanding any other provision of this chapter, gain, {if any}, shall be recognized to the same extent and at the same time for purposes of this chapter as under ~~said~~ 26 U.S.C. § 1042(e). The term "qualified replacement property" shall have the meaning set forth in ~~said~~ 26 U.S.C. § 1042.

"(q) Nonrecognition treatment for certain transfers from common trust funds to regulated investment companies.--The tax consequences of the transfer of assets of a common trust fund in exchange for stock in one or more regulated investment companies and the tax consequences of the distribution of the stock to the participants of the common trust fund shall be determined in accordance with 26 U.S.C. § 584."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the part of this act that remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall be effective retroactively for all taxable years or periods beginning after December 31, 1995, upon its passage and approval by the Governor, or its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Willis and Wren.

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And the bill:

H. 373. To amend Section 5-12A-15 of the Code of Alabama 1975, to clarify and provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. §584, as amended from time to time; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. §584; and to provide for a retroactive effect.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turnham, Vance, Warren, Willis and Wren.

-81

Nay:

Representative Mitchell.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell inadvertently voted "Nay" and intended to vote "Yea" on passage of the bill, H. 373, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Petelos, the Budget Isolation Resolution relating to the bill, H. 251, was adopted.

Yeas 74; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Starkey, Thomas (D), Townsend, Turnham, Warren, Willis and Wren.

-74

Nay:

Representative Johnson (E).

- 1

And the bill:

H. 251. To repeal Section 14-9-3, Code of Alabama 1975, which grants a deduction of 30 days from the sentence of a state prisoner who donates blood to the American Red Cross.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Warren, Willis and Wren.

-78

Nay:

Representatives Bandy and Johnson (E).

- 2

H. 50 TAKEN UP

And the bill:

H. 50. Relating to limited partnerships and foreign limited partnerships, to amend Sections 10-9A-2 and 10-9A-163 of the Code of Alabama 1975, so as to permit the abbreviation "L.P." in the name of these partnerships.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Thomas (D), Turner, Turnham, Vance, Venable, Willis and Wren.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 84, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

And the bill:

H. 84. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the term of office of county commissioner; to provide for the commencement of the term of office of county commissioners in all counties; and to prohibit the county commission from meeting after the election of any member of the commission before the first scheduled meeting except in the case of a declared emergency.

was taken up.

AMENDMENT OFFERED

Representative Laird offered the following amendment to the bill, H. 84:

To amend H. 84 on page 3, line 15 by adding after the period the following: "An emergency may be declared for the purposes of this bill upon a unanimous vote of the entire membership of the county commission."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-77

And the bill:

H. 84. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the term of office of county commissioner; to provide for the commencement of the term of office of county commissioners in all counties; and to prohibit the county commission from meeting after the election of any member of the commission before the first scheduled meeting except in the case of a declared emergency.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Boyd intended to vote "Yea" on passage of the bill, H. 84, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (M), the Budget Isolation Resolution relating to the bill, H. 306, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Laird, Layson, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-83

And the bill:

H. 306. Authorizing a court to enter a decree of legal separation; providing for the modification or dissolution of the decree; providing for the effects of the decree in regard to certain property interests and a subsequent divorce decree; requiring the best interest of the child standard in certain instances; providing for the levying of court costs, repealing Sections 30-2-30 and 30-2-31 of the Code of Alabama 1975, regarding divorce from bed and board; and providing for a prospective effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Lindsey, Maull, McAdory, McClammy, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 453, was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-84

And the bill:

H. 453. To provide further for the rights and interest in right-of-way property by a person who deeds property to the county or to a public entity, or whose property is taken by the county in condemnation proceedings for purposes of right-of-way.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morton, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has non-concurred in the House amendment to the Bill:

S. 82. Relating to Mobile County; prohibiting certain types of entertainment, attire, and conduct, having certain nudity, or sexual conduct, or the depiction or simulation thereof, upon the premises of an establishment within the unincorporated areas of Mobile County, Alabama, which is licensed to sell, serve, or dispense alcoholic beverages or otherwise allow the consumption of alcoholic beverages on the premises.

and requests a Committee on Conference.

And the President and Presiding Officer of the Senate has appointed as Committee on part of the Senate, Senators: Windom, Figures, and Myers.

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Crigler, the House acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the bill, S. 82.

COMMITTEE ON CONFERENCE APPOINTED

The Speaker appointed as a Committee on Conference on the part of the House, Representatives Clark (W), Kennedy and Crigler on the disagreement of the two Houses on the House amendment to the bill, S. 82.

Yeas 70; Nays 0.

Yea:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, Maul, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 172. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 8th legislative day, Thursday, February 27, 1997, taking precedence over the regular order of business or any pending or unfinished business:

And the following bills:

Inst Id	Page
H. 575 (By Hogan)	86
Athletic Trainers, Bd. of, sunset law review, continued, Sec. 34-40-5 am'd.	
H. 576 (By Millican)	87
Chiropractic Examiners, Bd. of, sunset law review, continued, Secs. 34-24-161, 34-24-165 am'd.	
H. 579 (By Sanderford)	88
Dental Examiners, Bd. of, sunset law review, continued, Sec. 34-9-40 am'd.	
H. 581 (By Box)	89
Hearing Instrument Dealers, Bd. of, sunset law review, continued until October 1, 1997	
H. 583 (By Millican)	90
Medical Examiners, Bd. of, and Medical Licensure Commission, sunset law review, continued	
H. 584 (By Millican)	90
Nursing, Bd. of, sunset law review, continued	
H. 585 (By Millican)	91
Nursing Home Administrators, Bd. of Examiners of, sunset law review, continued, Sec. 34-20-4 am'd.	

H. 586 (By Sanderford)	91
Optometry, Bd. of, sunset law review, continued, Secs. 34-22-5, 34-22-22, 34-22-40, 34-22-41 am'd.	
H. 587 (By Hogan)	92
Pharmacy, Bd. of, sunset law review, continued	
H. 588 (By Sanderford)	92
Physical Therapy, Bd. of, sunset law review, continued, Sec. 34-24-192 am'd.	
H. 589 (By Mitchell)	92
Podiatry, Bd. of, sunset law review, continued, Sec. 34-24-255 am'd., Sec. 34-24-258 added	
H. 591 (By Mitchell)	93
Speech Pathology and Audiology, Bd. of Examiners in, sunset law review, continued, Secs. 34-28A-1 to 34-28A-44, inclusive, am'd.	
H. 592 (By Sanderford)	94
Veterinary Medical Examiners, Bd. of, sunset law review, continued, Sec. 34-29-69, 34-29-91 am'd.	
H. 580 (By Mitchell)	88
Geologists, Bd. of Licensure for Professional, sunset law review, continued	
H. 582 (By Hogan)	89
Home Builders Licensure Bd., sunset law review, continued, Secs. 34-14A-3, 34-14A-5, 34-14A-8, 34-14A-11, 34-14A-14 am'd.	
H. 577 (By Box)	87
Cosmetology, Bd. of, sunset law review, continued until October 1, 1998, Secs. 34-7-7, 34-7-40, 34-7-41, 34-7-46 am'd., Sec. 34-7-45 repealed	

**REGULAR SESSION
8th Day**

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H. 578 (By Box) 94

Counseling, Bd. of Examiners in, sunset law review, continued, Secs. 34-8A-4, 34-8A-5, 34-8A-6, 34-8A-7, 34-8A-16 am'd.

H. 590 (By Box) 95

Psychology, Bd. of Examiners in, sunset law review, continued until October 1, 2000

MOTION TO ADOPT

Representative Carter offered the motion to adopt the resolution, H.R. 172.

SUBSTITUTE OFFERED

Representative Hall (A) offered the following substitute to the resolution, H.R. 172:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 8th legislative day, Thursday, February 27, 1997, taking precedence over the regular order of business or any pending or unfinished business:

And the following bills:

Inst Id	Page
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H. 582 Hogan	89
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H. 575 (By Hogan)	86
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Athletic Trainers, Bd. of, sunset law review, continued, Sec. 34-40-5 am'd.

H. 576 (By Millican)	87
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Chiropractic Examiners, Bd. of, sunset law review, continued, Secs. 34-24-161, 34-24-165 am'd.

H. 579 (By Sanderford)	88
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Dental Examiners, Bd. of, sunset law review, continued, Sec. 34-9-40 am'd.

H. 581 (By Box)	89
Hearing Instrument Dealers, Bd. of, sunset law review, continued until October 1, 1997	
H. 583 (By Millican)	90
Medical Examiners, Bd. of, and Medical Licensure Commission, sunset law review, continued	
H. 584 (By Millican)	90
Nursing, Bd. of, sunset law review, continued	
H. 585 (By Millican)	91
Nursing Home Administrators, Bd. of Examiners of, sunset law review, continued, Sec. 34-20-4 am'd.	
H. 586 (By Sanderford)	91
Optometry, Bd. of, sunset law review, continued, Secs. 34-22-5, 34-22-22, 34-22-40, 34-22-41 am'd.	
H. 587 (By Hogan)	92
Pharmacy, Bd. of, sunset law review, continued	
H. 588 (By Sanderford)	92
Physical Therapy, Bd. of, sunset law review, continued, Sec. 34-24-192 am'd.	
H. 589 (By Mitchell)	92
Podiatry, Bd. of, sunset law review, continued, Sec. 34-24-255 am'd., Sec. 34-24-258 added	
H. 591 (By Mitchell)	93
Speech Pathology and Audiology, Bd. of Examiners in, sunset law review, continued, Secs. 34-28A-1 to 34-28A-44, inclusive, am'd.	
H. 592 (By Sanderford)	94
Veterinary Medical Examiners, Bd. of, sunset law review, continued, Sec. 34-29-69, 34-29-91 am'd.	

**REGULAR SESSION
8th Day**

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H. 580 (By Mitchell) 88

Geologists, Bd. of Licensure for Professional, sunset law review, continued

H. 577 (By Box) 87

Cosmetology, Bd. of, sunset law review, continued until October 1, 1998, Secs. 34-7-7, 34-7-40, 34-7-41, 34-7-46 am'd., Sec. 34-7-45 repealed

H. 578 (By Box) 94

Counseling, Bd. of Examiners in, sunset law review, continued, Secs. 34-8A-4, 34-8A-5, 34-8A-6, 34-8A-7, 34-8A-16 am'd.

H. 590 (By Box) 95

Psychology, Bd. of Examiners in, sunset law review, continued until October 1, 2000

SUBSTITUTE ADOPTED

And the substitute was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 161. Providing for the election of the board of education of the City of Fairfield; providing that the members of the board shall be elected from defined school districts; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing for board representation for persons not residing within a school district; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing an elected board of education for the City of Fairfield.

TOMMY CARTER
Chairman

And the bill, H. 161, as engrossed, was ordered sent to the Senate.

H.R. 172 RESUMED**RESOLUTION ADOPTED**

The question was then on the adoption of the resolution, H.R. 172, as amended, and the resolution was adopted.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 162. Relating to elections; to provide for the testing of electronic voting systems for an election.

TOMMY CARTER
Chairman

And the bill, H. 162, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 384. To amend Sections 16-8-42 and 16-11-27, Code of Alabama 1975, to require local boards of education to fully insure all school buildings and property, equipment, furniture, and supplies through the State of Alabama Risk Management System.

TOMMY CARTER
Chairman

And the bill, H. 384, as engrossed, was ordered sent to the Senate.

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 173. HONORING THE WILBERFORCE UNIVERSITY GOSPEL CHOIR AND WELCOMING THEM TO BETHEL AME CHURCH, ENSLEY, BIRMINGHAM, ALABAMA.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 582, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 242. Relating to Marion County; to repeal Act No. 82-245, 1982 Regular Session, which provides for a fund in the county treasury to pay bounties for trapping beaver.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 87. Relating to Marion County; to amend Section 4 of Act No. 80-128, 1989 Regular Session, as amended by Act No. 91-453, 1991 Regular Session, to provide further for the disposition of the proceeds from the sale of county property.

McDOWELL LEE
Secretary

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 84. To amend Section 11-3-1 of the Code of Alabama 1975, relating to the term of office of county commissioner; to provide for the commencement of the term of office of county commissioners in all counties; and to prohibit the county commission from meeting after the election of any member of the commission before the first scheduled meeting except in the case of a declared emergency.

TOMMY CARTER
Chairman

And the bill, H. 84, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

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H. 373. To amend Section 5-12A-15 of the Code of Alabama 1975, to clarify and provide that the computation of gain, loss, basis, taxable income, taxable loss, and other income tax treatment of a common trust fund and its participants, be determined in accordance with 26 U.S.C. §584, as amended from time to time; to amend Section 40-18-8, Code of Alabama 1975, to provide that the tax treatment for certain transfers from common trust funds to regulated investment companies be determined in accordance with 26 U.S.C. §584; and to provide for a retroactive effect.

TOMMY CARTER
Chairman

And the bill, H. 373, as engrossed, was ordered sent to the Senate.

H. 582 TAKEN UP

And the bill:

H. 582. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Home Builders Licensure Board with certain modifications; to amend Sections 34-14A-3, 34-14A-5, 34-14A-8, 34-14A-11, and 34-14A-14, Code of Alabama 1975, so as to provide for the membership of the board; require the annual submission of financial information by licensees; authorize the levy of administrative fines; and to provide that any document mailed certified mail return receipt requested is deemed filed when postmarked.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, McAdory, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 575, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Gaston, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 575. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Athletic Trainers with certain modifications; to amend Section 34-40-5, Code of Alabama 1975, so as to clarify reciprocity requirements and authorize the board to levy license application and license renewal fees.

was taken up.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Box, the motion offered by Representative Seibenhener to temporarily carry over the bill, H. 575, was tabled.

Yeas 55; Nays 9.

Yea:

Mr. Speaker, Baker, Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Flowers, Gaston, Guin, Hall (A), Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Letson, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Robinson, Rogers (J), Sims, Spratt, Starkey, Townsend, Turner, Turnham, Vance and Willis.

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Nay:

Representatives Clouse, Gaines, McKee, Moore, Pringle, Sanderson, Seibenhener, Thomas (D) and Wren.

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MOTION TO REMOVE FROM TABLE LOST

The motion offered by Representative Sims to remove from the table the motion offered by Representative Box to table the motion offered by Representative Seibenhener to temporarily carry over the bill, H. 575, was lost.

Yeas 10; Nays 54.

Yea:

Representatives Clouse, Gaines, Haney, McKee, Moore, Sanderson, Seibenhener, Sims, Thomas (D) and Wren.

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Nay:

Mr. Speaker, Allen, Baker, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Dolbare, Drake, Dukes, Flowers, Galliher, Graham, Guin, Hall (A), Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, McAdory, McDaniel, Melton, Millican, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Perdue, Robinson, Rogers (J), Spratt, Starkey, Townsend, Turner, Turnham, Vance, Warren and Willis.

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AMENDMENT OFFERED

Representative Seibenhener offered the following amendment to the bill, H. 575:

To amend H. 575 on page 2 line 11 by adding after the words "Section 3" the following "and Section 4"

Further amend the bill on page 1 and page 2 on lines 21 and 6 respectively by adding after the word "fees" the following: "and to clarify the composition of the board"

Further amend the bill on page 3 by adding after line 23 a new Section 4 as follows and renumbering accordingly:

"Section 4. Notwithstanding any other provision in the law regarding the composition of the Board of Athletic Trainers, the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 87. Relating to Marion County; to amend Section 4 of Act No. 80-128, 1989 Regular Session, as amended by Act No. 91-453, 1991 Regular Session, to provide further for the disposition of the proceeds from the sale of county property.

Also:

H. 242. Relating to Marion County; to repeal Act No. 82-245, 1982 Regular Session, which provides for a fund in the county treasury to pay bounties for trapping beaver.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

TOMMY CARTER
Chairman

And the bill, H. 208, as engrossed, was ordered sent to the Senate.

MOTION TO RECESS LOST

The motion offered by Representative Hill that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was lost.

Yeas 32; Nays 36.

Yea:

Representatives Black (M), Boyd, Carns, Clouse, Curry, Gaines, Galliher, Graham, Guin, Haney, Hayden, Hill, Hilliard, Jorgensen, Lindsey, Melton, Moore, Morrison, Morrow, Morton, Page, Papucci, Parker (P), Petelos, Sanderford, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Turnham and Warren.

Nay:

Representatives Allen, Baker, Bandy, Box, Buskey, Carothers, Collins, Dukes, Flowers, Gaston, Hall (A), Hamilton, Hawkins, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Kennedy, Layson, McAdory, McKee, McMillan, Millican, Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderson, Sims, Townsend, Turner, Willis and Wren.

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H. 575 RESUMED

And the bill:

H. 575. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Athletic Trainers with certain modifications; to amend Section 34-40-5, Code of Alabama 1975, so as to clarify reciprocity requirements and authorize the board to levy license application and license renewal fees and to clarify the composition of the board.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Willis and Wren.

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Nay:

Representative Gaines.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 576, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Newton (C), Page, Papucci, Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Willis and Wren.

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And the bill:

H. 576. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Sections 34-24-161 and 34-24-165, Code of Alabama 1975, so as to authorize the board to administer a national examination and levy a late license renewal fee.

was taken up.

MOTION TO RECESS LOST

The motion offered by Representative Jorgensen that the House recess from 12:00 o'clock Noon until 1:14 o'clock p.m. was lost.

Yeas 33; Nays 39.

Yea:

Representatives Black (M), Burke, Carter, Clouse, Crigler, Curry, Dean, Gaines, Gaston, Gipson, Guin, Hall (A), Haney, Hill, Hooper, Jackson, Jorgensen, Laird, Lindsey, Maull, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Perdue, Petelos, Robinson, Rogers (M), Sanderson and Thomas (D).

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Nay:

Mr. Speaker, Allen, Bandy, Box, Boyd, Buskey, Carns, Dukes, Ford, Hall (L), Hawkins, Hayden, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Letson, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Newton (D), Payne, Penry, Rogers (J), Sanderford, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Warren, Willis and Wren.

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H. 576 RESUMED

And the bill, H. 576, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

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RESOLUTIONS

The following resolutions were introduced:

By Representatives Boyd, Hall (L), Graham and Kennedy:

H.J.R. 174. SUPPORTING THE ALABAMA WOMEN'S LEADERSHIP CONSORTIUM DESIGNATING MARCH AS WOMEN'S HISTORY MONTH.

WHEREAS, the Inaugural Professional Development Leadership Conclave Consortium is being hosted by Judson College on July 16-17, 1997; and

WHEREAS, this impressive conclave will discuss how the Alabama Women's Leadership Consortium (AWLC), an expanded mission of Alabama Women's Leadership Database, can be most effective in helping bring women leaders and emerging leaders together to advance informed voting and political participation by qualified women; and

WHEREAS, it also is noted that the AWLC provides career advancement for women administrators in higher education and for women in the business sector wishing to serve in middle and upper management; and

WHEREAS, thanks to the efforts of women's advocacy organizations such as the AWLC, more than 73 percent of Alabama women were registered to vote in the 1994 and 1996 elections, 17th best among the states and District of Columbia in registration; moreover, 54 percent voted, resulting in a national ranking of 27 among the 50 states; and

WHEREAS, the Alabama Women's Leadership Consortium continually works toward solving problems and offers help and moral support as a daily way of life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby support the declaration of March as Women's History Month by the Alabama Women's Leadership Consortium, and that a copy of this resolution be presented to the AWLC in appreciation and support of its advocacy efforts.

On motion of Representative Boyd, the rules were suspended and the resolution, H.J.R. 174, was adopted.

Also:

By Representatives Kennedy, Hall (L), Holmes, Knight (J), Graham, Boyd, Box, Buskey, Clark (W), Mitchell, Thomas (J), McClammy, Melton, Hilliard, Spratt, Houston, Rogers (J), Minnifield, Perdue, Johnson (E), Newton (D), Maull, Hayden, Bandy, Jackson, Black (L), Baker, Morrison, Lindsey and Burke:

H.J.R. 175. URGING CONFIRMATION OF ALEXIS HERMAN AS UNITED STATES SECRETARY OF LABOR

WHEREAS, President Clinton has nominated the highly qualified Mobile native Alexis Herman as United States Secretary of Labor; and

WHEREAS, following her graduation from Xavier University in 1969, Ms. Herman began her distinguished career with Catholic Social Services, where she tutored and trained unskilled young men from a Mobile housing project, and working with the AFL-CIO, helped them secure employment at Ingalls Shipyard in nearby Pascagoula, Mississippi; and

WHEREAS, her successes within Catholic Social Services led, in 1972, to her appointment to operate the Atlanta office of the Black Women's Employment Program, supported by grants from the U.S. Labor Department and the Ford Foundation, under the auspices of the Southern Regional Council, where she developed expertise in identifying and recruiting talented Black women for employment in management positions for major corporations such as Coca-Cola and Delta Airlines; and

WHEREAS, her career in the field of labor relations, particularly in the area of employment opportunities for minority women, took a major step forward in 1977, when President Carter's U.S. Secretary of Labor, Ray Marshall, tapped the then 29-year old for the position of Director of the Women's Bureau of the Labor Department, where she concentrated on issues such as bringing displaced homemakers into the workforce, providing job placement for disadvantaged minorities, and co-chairing a Presidential Task Force on Promoting Business Ownership By Women; and

WHEREAS, as president of her consulting firm, A.M. Herman and Associates, she pioneered as a minority business woman in obtaining as her clients several Fortune 500 companies, such as Proctor and Gamble; and

WHEREAS, following her service as Deputy Chair and Chief of Staff of the Democratic National Convention under DNC Chair Ron Brown, Ms. Herman served in the highly responsible position as Director of the Office of Public Liaison during President Clinton's first term of office; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby urge the United States Senate to confirm the nomination of Alexis Herman as U.S. Secretary of Labor.

RESOLVED FURTHER, That a copy of this resolution be forwarded to the President of the United States, U.S. Senators Richard Shelby and Jeff Sessions, the House Members of the Alabama Congressional Delegation, the U.S. Senate Committee on Labor and Human Resources, and the U.S. Senate for their consideration and action.

On motion of Representative Kennedy, the rules were suspended and the resolution, H.J.R. 175, was adopted.

Yeas 58; Nays 18.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carter, Clark (W), Collins, Dolbare, Drake, Dukes, Fuller, Galliher, Graham, Guin, Hall (L), Hammett, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Newton (D), Perdue, Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Turner, Vance, Venable and Willis.

Nay:

Representatives Clouse, Gaines, Gipson, Haney, Hawkins, Hill, Hooper, Moore, Papucci, Petelos, Pringle, Rogers (M), Sanderson, Seibenhener, Sims, Thomas (D), Townsend and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has amended as therein shown and, as amended, has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 148. RELATIVE TO MEETING DAYS

McDOWELL LEE
Secretary

SENATE MESSAGE

On motion of Representative Venable, the House concurred in and adopted the Senate amendment to the resolution, H.J.R. 148, said Senate amendment being as follows:

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn on Thursday, February 27, 1997, they adjourn to meet again on Tuesday, March 4, 1997, and when they adjourn on Tuesday, March 4, 1997, they adjourn to meet again on Thursday, March 6, 1997, and when they adjourn on Thursday, March 6, 1997, they adjourn to meet again on Tuesday, March 11, 1997, and when they adjourn on Tuesday, March 11, 1997, they adjourn to meet again on Thursday, March 13, 1997, and when they adjourn on Thursday, March 13, 1997, they adjourn to meet again on Tuesday, March 18, 1997, and when they adjourn on Tuesday, March 18, 1997, they adjourn to meet again on Wednesday, March 19, 1997, and when they adjourn on Wednesday, March 19, 1997, they adjourn to meet again on Thursday, March 20, 1997, and when they adjourn on Thursday, March 20, 1997, they adjourn to meet again on Tuesday, March 25, 1997, and when they adjourn on Tuesday, March 25, 1997, they adjourn to meet again on Thursday, March 27, 1997, and when they adjourn on Thursday, March 27, 1997, they adjourn to meet again on Tuesday, April 8, 1997.

MOTION TO RECESS LOST

The motion offered by Representative Curry that the House recess until 1:15 o'clock p.m. was lost.

Yeas 40; Nays 44.

Yea:

Representatives Black (L), Black (M), Box, Burke, Carter, Clouse, Curry, Dean, Dolbare, Ford, Gaines, Gaston, Gipson, Guin, Haney, Hill, Hooper, Johnson (E), Jorgensen, Kennedy, Laird, Lindsey, Millican, Moore, Morton, Newton (C), Papucci, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Turner and White.

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Nay:

Representatives Allen, Baker, Bandy, Carns, Carothers, Collins, Dukes, Flowers, Galliher, Graham, Hall (L), Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Knight (J), Layson, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Morrison, Morrow, Murphree, Newton (D), Page, Payne, Robinson, Rogers (J), Starkey, Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

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SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION OFFERED**

Representative Sanderford offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 579.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

REGULAR SESSION
8th Day

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H. 575. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Athletic Trainers with certain modifications; to amend Section 34-40-5, Code of Alabama 1975, so as to clarify reciprocity requirements and authorize the board to levy license application and license renewal fees and to clarify the composition of the board.

TOMMY CARTER
Chairman

And the bill, H. 575, as engrossed, was ordered sent to the Senate.

LEAVE OF ABSENCE

At the request of Representative Dolbare, leave of absence was granted for Representative Parker (P).

RECESS

On motion of Representative Gipson, the House recessed until 1:28 o'clock p.m.

Yeas 34; Nays 32.

Yea:

Mr. Speaker, Allen, Baker, Boyd, Burke, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Gaines, Gaston, Gipson, Guin, Haney, Hill, Jackson, Laird, Lindsey, Millican, Minnifield, Moore, Morrison, Morton, Murphree, Papucci, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Spratt and Thomas (D).

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Nay:

Representatives Bandy, Carns, Collins, Dukes, Flowers, Graham, Hall (A), Hawk, Hawkins, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Layson, McAdory, McDaniel, McMillan, Melton, Morrow, Page, Payne, Pringle, Robinson, Rogers (J), Sanderson, Starkey, Thomas (J), Townsend, Turnham and Warren.

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HOUSE RECONVENED

The hour of 1:28 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Sanderford, Papucci, Hinshaw, Haney, Jorgensen, Hall (L) and Hall (A):

H.R. 176. COMMENDING BILL HOMER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

The following resolutions were introduced:

By Representative Galliher:

H.J.R. 177. DESIGNATING HORSE PENS 40 AS THE "HOME OF THE SOUTH'S BLUEGRASS MUSIC."

The resolution, H.J.R. 177, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Sanderford, Papucci, Hinshaw, Haney, Jorgensen, Hall (L) and Hall (A):

H.J.R. 178. COMMENDING BILL HOMER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

The resolution, H.J.R. 178, was read and referred to the Standing Committee on Rules.

Also:

By Representative Newton (D):

H.J.R. 179. HONORING THE WILBERFORCE UNIVERSITY GOSPEL CHOIR AND WELCOMING THEM TO BETHEL AME CHURCH, ENSLEY, BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 179, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hawkins and Hill:

H.J.R. 180. COMMENDING HATTIE P. KING, MS. SENIOR AMERICA OF ALABAMA, 1997.

The resolution, H.J.R. 180, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hooper, Flowers, Carns, Willis, Payne, Townsend, Allen, Papucci, Hinshaw, Petelos, Layson, Warren, Smith, McKee, McMillan, Thomas (D), Morton, Clouse, Gaston, Dean, Wren, Millican, Moore, Hamilton, Seibenhener, Collins, Parker (T), Laird, Carter, Crigler, Sims, Letson, Hall (A), Hawkins, Penry, Sanderson, Haney, Vance, Hill, Galliher and Murphree:

H.J.R. 181. REQUESTING THAT THE BALANCED BUDGET AMENDMENT TO THE U.S. CONSTITUTION BE PASSED AND SUBMITTED TO THE STATES FOR RATIFICATION.

The resolution, H.J.R. 181, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Smitherman, Escott-Russell, McClain, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Figures, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Steele, Waggoner, and Windom:

S.J.R. 51. COMMENDING LILLIE BROWN ON HER COMMITMENT TO THE CAUSE OF CIVIL RIGHTS AND VOTING RIGHTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 51, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dial:

S.J.R. 50. CONGRATULATING THE CLAY COUNTY PANTHERS ON THEIR THREE-TIME STATE 2A FOOTBALL CHAMPIONSHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 50, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Ghee:

S.J.R. 49. URGING THE SECRETARY OF THE ARMY AND U.S. SENATOR RICHARD SHELBY TO PERMIT CONTINUED CIVILIAN USE OF RIFLE RANGE 25 AT FORT McCLELLAN.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 49, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators McClain, Davidson, Bedford, Clay, Steele, Butler, Waggoner, Biddle, Smitherman, Amari, and Escott-Russell:

S.J.R. 48. NAMING THE VISIONLAND FREEWAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 48, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Freeman, Butler, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 47. COMMENDING FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH GENE STALLINGS ON HIS MANY LIFETIME ACHIEVEMENTS.

WHEREAS, in his lifetime record of accomplishments, former University of Alabama Head Football Coach Gene Stallings has demonstrated a can-do spirit of achievement both on and off the field; and

WHEREAS, over his successful tenure as head coach at Alabama, Coach Stallings compiled a widely acclaimed list of achievements which include an impressive overall 70-16-1 record; the 1992 National and SEC Championship and four SEC Western Division Championships; and the National Coach of the Year title in 1992, and SEC Coach of the Year honors in 1992 and 1993; and

WHEREAS, beyond his exemplary record of achievements as a coach, he has equally exemplified those truest ideals of humanitarianism and Christian service through his many deeds of compassion and concern on behalf of those in need, and, over the years, through speeches and public service announcements, golf tournaments and other fund-raising events, and in countless other capacities, Coach Stallings has given generously and freely of his time and energy as a volunteer and in support of numerous service organizations and efforts of public concern; and

WHEREAS, included among his charitable and civic causes have been the Tuscaloosa Association for Retarded Citizens, ARC, RISE, the Cerebral Palsy Telethon, Easter Seals, the Boy Scouts of America, Sheriff's Boys and Girls Ranch, MADD, American Heart Association, drug awareness, and child abuse; in fact he has always stood willing and ready to help whenever and however possible when called upon; and

WHEREAS, Coach Stallings helped raise \$600,000 through the Gene Stallings Golf Tournament benefiting the Association for Retarded Citizens (ARC); \$2,000,000 for RISE, and \$300,000 for Rainbow Omega, and was recognized for his many efforts as recipient of the Aubrey D. Green Humanitarian Award by the Lions Club of Alabama (1995-1996); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and appreciation of his outstanding career of accomplishments, both as a coach, and in service to his fellowman, highest commendation is hereby bestowed upon Coach Gene Stallings, for whom a copy of this resolution shall be provided.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 47, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Freeman and Butler:

S.J.R. 46. EXPRESSING OUR CONTINUING BEST WISHES TO KATY STOWE FOR A SPEEDY RECOVERY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 46, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 39. COMMENDING THE JEFFERSON DAVIS HIGH SCHOOL FOOTBALL TEAM ON ITS 1996 6A STATE CHAMPIONSHIP.

Also:

S.J.R. 41. CONGRATULATING CLARK AND CINDY SAHLIE ON THE BIRTH OF A SON, WILLIAM CLARK SAHLIE.

Also:

S.J.R. 42. COMMENDING LILLIE BROWN ON HER COMMITMENT TO THE CAUSE OF CIVIL RIGHTS AND VOTING RIGHTS.

Also:

S.J.R. 44. MOURNING THE DEATH OF EARLY A. NELSON OF SHEFFIELD, ALABAMA.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 148. RELATIVE TO MEETING DAYS

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

The question was then on the adoption of the Budget Isolation Resolution previously offered by Representative Sanderford to the bill, H. 579, and the Budget Isolation Resolution was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher,

Gaston, Gipson, Graham, Guin, Hamilton, Hawkins, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Payne, Penry, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-64

And the bill:

H. 579. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Section 34-9-40, Code of Alabama 1975, so as to provide further for a dental hygienist member on the board.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 579, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Section 34-9-40, Code of Alabama 1975, so as to provide further for a dental hygienist member on the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Dental Examiners, with the additional recommendations for statutory change as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Dental Examiners, created and functioning pursuant to Sections 34-9-1 to 34-9-65, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-9-40 of the Code of Alabama 1975, is amended to read as follows:

"§34-9-40.

"(a) In order to accomplish the purposes and to provide for the enforcement of this chapter, there is hereby created the Board of Dental Examiners of

Alabama. The board is hereby vested with the authority to carry out the purposes and enforce the provisions of this chapter. On June 24, 1959, the members of the present ~~Board of Dental Examiners~~ board now in existence shall hold office for the remainder of their respective terms for which they have been elected and thereafter until their successors are elected and qualified and shall constitute the ~~Board of Dental Examiners of Alabama~~ board under this chapter. The ~~Board of Dental Examiners of Alabama~~ board shall consist of five dentists who shall have been actively engaged in the practice of dentistry in the State of Alabama for at least five years next preceding the date of their election and one dental hygienist as provided in subsection (b). No member of the board shall be a member of the faculty of any dental school, ~~or dental college, dental hygiene school or dental hygiene college~~ or receive any financial benefits for teaching in any dental school, ~~or dental college, dental hygiene school or dental hygiene college~~ or have a financial interest in a commercial dental laboratory or a dental supply business. All elections shall be conducted by the board. Any group of 10 or more licensed dentists, residing and practicing dentistry in the ~~State of Alabama~~ state, may nominate a candidate for the ~~office of Board of Dental Examiner~~ position of board member by submitting a petition bearing their signatures to the secretary of the board not later than the first day of July in the year of ~~such~~ the election. The board shall cause the election ballots to be mailed not later than September 1 in the year of the election to all the licensed dentists residing and practicing in the ~~State of Alabama~~ state and currently registered as prescribed by law, along with the annual registration form for the forthcoming fiscal year. Both annual registration form and ballot shall be returned to the secretary of the board on or before October 1 each year, ballots being nullified unless accompanied by completed annual registration form and annual registration fee. Three members of the board shall be present at the canvassing of the ballots. Any candidate receiving a majority of the votes shall be declared elected to the ~~Board of Dental Examiners of Alabama~~ board and will take the oath of office on or before October 15 in the year of his or her election. In the event no candidate receives a majority of the votes cast, the board shall conduct a run-off election between the two candidates receiving the largest number of votes. The board shall cause the ballots pertaining to the run-off election to be mailed on or before October 15 of the election year to all the licensed dentists residing and practicing in the ~~State of Alabama~~ state and currently registered as prescribed by law, and the ballots pertaining to the run-off election shall be received by the secretary of the board on or before the first day of November in the year of such run-off election. In the event of a run-off election, the candidate receiving the largest number of votes in the run-off election shall be declared elected to the board and shall immediately take the oath of office and begin his or her term of office. Each member so elected shall hold office for a period of five years, which terms shall begin immediately upon taking an oath to properly and faithfully discharge the duties of his or her office and until his or her successor is elected and qualified, and ~~said~~ the member so elected shall not at the expiration of the ~~said~~ the term be eligible to succeed himself or herself. It is the intent of the legislature that one (1) member of the board shall be black. Vacancies on the board shall be filled by the board by the appointment of the immediate past member of the board, and if for any reason the immediate past member of the board is unable to accept ~~such~~ the

appointment, then the board shall fill the vacancy by a unanimous vote of the other board members by the appointment of some other past member of the board. Members of the board shall be removed by a two-thirds vote of the registered dentists in the state for neglect of duty or any just cause, by petition to the secretary of the board by 10 percent of the licensed dentists in the ~~State of Alabama~~ state. On or before July 1, 1962, the board shall send a copy of this section to all licensed dentists in the ~~State of Alabama~~ state.

"(b) (1) One member of the board shall be a licensed dental hygienist. The dental hygienist member shall be of good moral and ethical character and shall have been actively engaged in the practice of dental hygiene in the State of Alabama for at least five years preceding the date of election. No dental hygienist member shall be a member of the faculty of any dental school, dental college, dental hygiene school or dental hygiene college or receive any financial benefits for teaching in any dental school, dental college, dental hygiene school or dental hygiene college or have a financial interest in a commercial dental laboratory or dental supply business while serving on the board.

"(2) The dental hygienist member shall be elected as follows:

"a. Any group of 10 or more licensed dental hygienists, residing and practicing dental hygiene in the State of Alabama, may nominate a candidate for the dental hygienist position by submitting a petition bearing their signatures to the secretary of the board no later than the first day of July in the year of an election. The board shall cause election ballots to be mailed no later than September 1 in the year of an election to all the licensed dental hygienists residing and practicing in the state and currently registered as prescribed by law. The ballot shall be returned to the secretary of the board on or before October 1 each year, and the ballots will be nullified unless the voter has complied with Section 34-9-28, concerning annual registration.

"b. Three members of the board shall be present at the canvassing of the ballots. Any candidate receiving a majority of the votes shall be the dental hygienist member and shall take the oath of office on or before October 15 in the year of his or her election. In the event no candidate receives a majority of the votes cast, the board shall conduct a run-off election between the two candidates receiving the largest number of votes. The board shall cause the ballots pertaining to any run-off election to be mailed on or before October 15 of the election year to all licensed dental hygienists residing and practicing in the state and currently registered as prescribed by law, and the ballots pertaining to the run-off election shall be received by the secretary of the board on or before the first day of November in the year of any run-off election. In the event of a run-off election, the dental hygienist receiving the largest number of votes in the run-off election shall be declared elected to the board and shall immediately take the oath of office and begin his or her term of office.

"c. All elections as described above shall be conducted by the board.

"(3) The dental hygienist member shall be removed by a two-thirds vote of the registered dental hygienists in the state for neglect of duty or any just cause by petition to the secretary of the board by 10 percent of the licensed dental hygienists in the state.

"(4) The dental hygienist member shall hold that position for a period of five years, which term shall begin immediately upon taking an oath to properly and faithfully discharge the duties of his or her office and continue until his or her successor is elected and qualified, and the member so elected shall not at the expiration of the term be eligible to succeed himself or herself. If a vacancy occurs in the position of dental hygienist, the unexpired term shall be filled by the board by the appointment of the immediate past dental hygienist member. If for any reason the immediate past dental hygienist member is unable to accept the appointment, then the board shall fill the vacancy by a unanimous vote of the other board members by the appointment of some other past dental hygienist member. If a vacancy occurs and there is not an immediate past dental hygienist member or other past dental hygienist member, the vacancy shall be filled by a unanimous vote of the board by the appointment of some otherwise qualified dental hygienist.

"(5) The dental hygienist member shall advise the board on matters relating to dental hygiene and shall only be permitted to vote on matters relating to dental hygiene. The board shall provide the dental hygienist member with timely notice of all board meetings and the dental hygienist member shall be allowed to attend all meetings unless prohibited by law from attendance at any disciplinary hearings. The board shall not adopt any rule relating to the practice of dental hygiene unless the proposed rule has been submitted to the dental hygienist member for review and comment at least 30 days prior to its adoption. The dental hygienist member shall be entitled to the same compensation and expenses paid to dentist members of the board pursuant to Section 34-9-41."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Gaines, Galliher, Gaston,

Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-70

And the bill:

H. 579. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Section 34-9-40, Code of Alabama 1975, so as to provide further for a dental hygienist member on the board.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 302. Relating to civil actions for fraud to amend Section 6-2-3, Code of Alabama 1975, relating to the statute of limitations for fraud, to provide that an action for fraud shall be brought within two years from the date the aggrieved party

discovered, or in the exercise of reasonable diligence should have discovered, the fraud, to amend Section 6-5-100, Code of Alabama 1975, relating to a right of action for fraud, to consolidate various actions for fraud into one cause of action whether committed by misrepresentation or suppression; and to specifically repeal Section 6-11-27 and Sections 6-5-101 to 6-5-104, inclusive, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 302, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 581, was adopted.

Yeas 74; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Maull, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-74

And the bill:

H. 581. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Instrument Dealers until October 1, 1997.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 581, said committee substitute being as follows:

REGULAR SESSION
8th Day

609

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Instrument Dealers until October 1, 1998.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Board of Hearing Instrument Dealers until October 1, 1998.

Section 2. The existence and functioning of the Board of Hearing Instrument Dealers, created and functioning pursuant to Sections 34-14-1 to 34-14-33, inclusive, Code of Alabama 1975, is continued until October 1, 1998, and those code sections are expressly preserved.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Maul, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-73

And the bill:

H. 581. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Instrument Dealers until October 1, 1998.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-73

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 583, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Maull, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-75

And the bill:

H. 583. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

REGULAR SESSION
8th Day

611

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 584, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Box, Boyd, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-76

And the bill:

H. 584. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Nursing.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-78

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 585, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-81

And the bill:

H. 585. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Section 34-20-4, Code of Alabama 1975, so as to provide further for the membership of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, H. 586, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-80

And the bill:

H. 586. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Optometry with certain modifications; to amend Sections 34-22-5, 34-22-22, 34-22-40, and 34-22-41, Code of Alabama 1975, so as require an annual limited license renewal fee; authorize the grading of continuing education courses, and waiver of registration and fees for retired licensees; to provide for board membership; and to provide further for the authority of the executive director.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 587, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Laird, Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Warren and Wren.

-80

And the bill:

H. 587. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy.

was taken up.

AMENDMENT OFFERED

Representative Johnson (R) offered the following amendment to the bill, H. 587:

On page 2, insert the following new Section 3 and renumber the current Section 3 and all subsequent sections of the bill accordingly:

Section 3. The Pharmacy Board shall transfer one-half of any surplus money remaining at the end of fiscal years 1996-1997 and 1997-1998 to the Auburn University School of Pharmacy for implementation of an external Doctor of Pharmacy degree program to enhance knowledge and service of pharmacists who reside in Alabama.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 41; Nays 23.

Yea:

Representatives Baker, Black (M), Boyd, Carothers, Clouse, Crigler, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hawkins, Hayden, Hill, Hinshaw, Houston, Johnson (R), Jorgensen, Lindsey, McAdory, McMillan, Moore, Morrow, Murphree, Newton (C), Penry, Pringle, Rogers (J), Rogers (M), Sanderson, Seibenhener, Starkey, Thomas (J), Turnham, Venable, Warren and Wren.

-41

Nay:

Representatives Box, Buskey, Carns, Gipson, Hamilton, Hilliard, Hogan, Hooper, Kennedy, Laird, Layson, McKee, Melton, Millican, Mitchell, Morrison, Payne, Sanderford, Sims, Spratt, Townsend, Turner and Willis.

-23

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 579. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Section 34-9-40, Code of Alabama 1975, so as to provide further for a dental hygienist member on the board.

TOMMY CARTER
Chairman

And the bill, H. 579, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 581. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Instrument Dealers until October 1, 1998.

TOMMY CARTER
Chairman

And the bill, H. 581, as engrossed, was ordered sent to the Senate.

H. 587 RESUMED

And the bill:

H. 587. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore,

Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-81

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Escott-Russell, Smitherman, Figures, Smith, Biddle, Hale, Ghee, Lipscomb, Little, Roberts, Bedford, Mitchell, McClain, Freeman, Butler, Davidson, Dixon, Langford, Armistead, Dial, Steele, Amari, Clay, Myers, Mitchem, Hill, Bailey, Adams, and Barron:

S.J.R. 52. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY METHODS OF PRESERVING THE CHILDHOOD HOME OF NAT KING COLE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim legislative committee to study methods of preserving the Montgomery, Alabama, home of Nat King Cole. The committee shall be composed of three members of each house, to be appointed by the presiding officer of each house. The chair and vice chair of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets of how to best preserve the childhood home of the late Nat King Cole in Montgomery, Alabama. The committee may consider any method to best preserve the Nat King Cole Montgomery home, including, but not limited to, the acquisition of the homesite by the state or by the state parks system, or by obtaining national historical status for the home.

Upon the request of the chair, the Secretary of the Senate and the Clerk of the House shall provide the clerical assistance necessary for the committee's work. The committee shall report its findings, conclusions, and recommendations to the Legislature not later than the first legislative day of the 1998 Regular Session, whereupon, the committee shall stand dissolved and discharged of any further duties and liabilities. Each member of the committee shall be entitled to his or her regular legislative compensation, his or her per diem, and travel expenses for each day he or she attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, upon warrants drawn on the State Comptroller upon requisitions signed by the chair of the committee. Notwithstanding the foregoing, no member shall receive additional legislative compensation or per diem when the Legislature is in session or if a member is

being paid any other payments on the same dates for attendance of other state business. The total expenditures of the committee shall not exceed five thousand dollars (\$5,000).

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 52, set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, H. 588, was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-76

And the bill:

H. 588. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-192, Code of Alabama 1975, so as to provide further for the membership of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Wren.

-81

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, H. 589, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Black (M), Box, Buskey, Carns, Clouse, Collins, Crigler, Dean, Dolbare, Dukes, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Townsend, Turner, Vance, Willis and Wren.

-66

And the bill:

H. 589. Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Podiatry with certain modifications; to amend Section 34-24-255, Code of Alabama 1975, so as to delete the citizenship requirement for licensure, include a knowledge of practice test in the examination for licensure, and to add Section 34-24-258 to the Code of Alabama 1975, so as to authorize the board to operate through a bank account outside of the State General Fund.

was taken up.

SUBSTITUTE OFFERED

Representative Seibenhener offered the following substitute to the bill, H. 589:

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Podiatry with certain modifications; to amend Sections 34-24-250 and 34-24-255, Code of Alabama 1975, so as to provide further for the membership of the board, delete the citizenship requirement for licensure, include a knowledge of practice test in the examination for licensure, and to add Section 34-24-258 to the Code of Alabama 1975, so as to authorize the board to operate through a bank account outside of the State General Fund.

MOTION TO TABLE LOST

The motion offered by Representative Mitchell to table the substitute offered by Representative Seibenhener to the bill, H. 589, was lost.

Yeas 24; Nays 26.

Yea:

Representatives Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Hall (L), Hayden, Hill, Hogan, Hooper, Houston, Jackson, Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, McMillan, Penry, Rogers (J), Starkey and Thomas (J).

-24

Nay:

Representatives Allen, Carns, Clouse, Gaines, Gaston, Gipson, Haney, Hawkins, Hilliard, McDaniel, McKee, Melton, Moore, Morrison, Murphree, Papucci, Payne, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Townsend, Turner and Wren.

-26

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

SUBSTITUTE TABLED

The question was then on the adoption of the substitute offered by Representative Seibenhener to the bill, H. 589, and on motion of Representative Box, the substitute was tabled.

Yeas 37; Nays 27.

Yea:

Representatives Baker, Bandy, Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Dolbare, Guin, Hall (L), Hayden, Hilliard, Holmes, Houston, Jackson, Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Morrison, Murphree, Newton (C), Robinson, Rogers (J), Spratt, Starkey, Thomas (J), Turnham, Vance, Venable and Willis.

-37

Nay:

Representatives Allen, Carns, Clouse, Gaines, Gaston, Gipson, Haney, Hawkins, Hill, Hinshaw, Johnson (R), McKee, McMillan, Moore, Morton, Papucci, Payne, Penry, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Thomas (D), Townsend and Wren.

-27

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on the motion offered by Representative Box to table the substitute offered by Representative Seibenhener to the bill, H. 589.

And the bill, H. 589, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Willis.

-78

Nay:

Representative Gaines.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on passage of the bill, H. 589.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, H. 591, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-82

And the bill:

H. 591. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners for Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-1 to 34-28A-44, inclusive, Code of Alabama 1975, so as to make technical changes regarding gender-neutral language and terminology relating to speech-language pathology, speech-language pathology assistants, and audiology assistants; to modify license application and renewal deadlines; to provide for the registration of speech-language pathology assistants and audiology assistants with registration and annual renewal fees; and to provide further for the membership of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 1.

Yea:

Representatives Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-80

Nay:

Representative Gaines.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderford, the Budget Isolation Resolution relating to the bill, H. 592, was adopted.

Yeas 85; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-85

Nay:

Representative Laird.

- 1

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Gipson, the motion offered by Representative Laird to temporarily carry over the bill, H. 592, was tabled.

Yeas 34; Nays 14.

Yea:

Mr. Speaker, Carns, Carothers, Dukes, Galliher, Gipson, Graham, Guin, Hammett, Haney, Hawkins, Hayden, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Lindsey, McAdory, McDaniel, Melton, Morrison, Murphree, Papucci, Payne, Robinson, Sanderford, Spratt, Starkey, Townsend, Turnham, Venable and Willis.

-34

Nay:

Representatives Black (L), Black (M), Box, Clouse, Dolbare, Hogan, Kennedy, Laird, Millican, Minnifield, Moore, Newton (C), Parker (T) and Sims.

-14

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Nay" on the motion offered by Representative Gipson to table the motion offered by Representative Laird to temporarily carry over the bill, H. 592.

And the bill:

H. 592. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Sections 34-29-69 and 34-29-91, Code of Alabama 1975, so as to expand the subpoena power of the board, delete the citizenship requirement for licensure, and provide for an inactive license.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

**REGULAR SESSION
8th Day**

625

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Townsend, Turnham, Vance, Venable and Willis.

-76

Nay:

Representatives Gaines and Laird.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Mitchell, the Budget Isolation Resolution relating to the bill, H. 580, was adopted.

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Galliher, Gaston, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-76

Nay:

Representatives Baker and Gaines.

- 2

And the bill:

H. 580. (With Substitute): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Licensure for Professional Geologists.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 580, said committee amendment being as follows:

A BILL
TO BE ENTITLED
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Licensure for Professional Geologists with certain modifications; to amend Section 34-41-4, Code of Alabama 1975, so as to provide further for meeting expenses of the board.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Board of Licensure for Professional Geologists, with the additional recommendations for statutory changes as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Board of Licensure for Professional Geologists, created and functioning pursuant to Sections 34-41-1 to 34-41-24, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-41-4 of the Code of Alabama 1975, is amended to read as follows:

"§34-41-4.

"(a) There is created the Alabama Board of Licensure for Professional Geologists which shall administer and enforce this chapter.

"(b) The board shall consist of seven members appointed by the Governor. Members of the board, except for the initial board, shall be licensed professional geologists. At least one member of the board shall be a minority.

"(c) Each member of the board shall be a citizen of the United States, a resident of the State of Alabama for at least five years immediately preceding appointment, reside in the state during the term of office, and be at least 25 years of age.

"(d) All members of the initial board shall be appointed by the Governor from a list of nominees who shall at the time of their appointment qualify for licensing under this chapter and become duly licensed during their term. Membership of the board shall include at least one representative member from each of the following professional subgroups of geologists: Faculty of the departments of geology at colleges and universities in the State of Alabama that grant degrees in the geological sciences; governmental agencies employing geologists; businesses, exclusive of those exempted herein; mining industry; petroleum industry; geotechnical and/or environmental engineering firms; and independent geological consultants.

"(e) After the establishment of the initial board, all members shall be licensed under this chapter. The term of office of each member of the board shall be three years. Notwithstanding the foregoing, of the first members appointed, two shall be appointed for a term of one year, two for terms of two years, and three for terms of three years. No member shall serve more than two consecutive three-year terms, without interruption in service of at least three years.

"(f) Each term on the board shall expire on September 30 of the year in which the term expires. When the term of a member expires, the Governor shall appoint a new member or reappoint the current member for a full term under subsections (d) and (e). If a vacancy occurs, within 90 days of the vacancy the Governor shall appoint a replacement to fill the vacancy for the remainder of the unexpired term.

"(g) The Governor may remove a member of the board only for neglect of duty, an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the term in office of the member, malfeasance, violation of this chapter, or conviction of a felony or other crime of moral turpitude.

"(h) Members of the board shall receive reimbursement for expenses incurred in the performance of duties of one hundred dollars (\$100) per day plus mileage payable at the same rate as paid for state officers and employees for each day of actual attendance at a regular or special meeting of the board.

"(i) The board may employ the necessary personnel for performance of its functions and fix their compensation. The board may appoint committees to aid in the performance of its functions."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 74; Nays 4.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-74

Nay:

Representatives Baker, Gaines, Morrow and Sanderson.

- 4

And the bill:

H. 580. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Licensure for Professional Geologists with certain modifications; to amend Section 34-41-4, Code of Alabama 1975, so as to provide further for meeting expenses of the board.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable and Willis.

-78

Nay:

Representatives Baker and Gaines.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 577, was adopted.

Yeas 82; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

-82

Nay:

Representatives Gaines and Thomas (D).

- 2

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 182. COMMENDING BILL HORN FOR HIS PROFESSIONAL ACHIEVEMENTS.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 587. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Pharmacy.

TOMMY CARTER
Chairman

And the bill, H. 587, as engrossed, was ordered sent to the Senate.

H. 577 TAKEN UP

And the bill:

H. 577. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1998 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to to limit the authority of the board; require the dismissal of current board members and the appointment of members to the board; provide further for the executive director and employees of the board; and repeal Section 34-7-45, Code of Alabama 1975.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 577:

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1998 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to to limit the authority of the board; to provide further for the membership of the board; and to provide a procedure for communications between board members and board personnel.

SUBSTITUTE TABLED

On motion of Representative Millican, the substitute offered by Representative Box to the bill, H. 577, was tabled.

REGULAR SESSION
8th Day

631

Yeas 61; Nays 15.

Yea:

Representatives Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Clouse, Crigler, Curry, Dolbare, Dukes, Flowers, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Willis and Wren.

-61

Nay:

Representatives Baker, Box, Carothers, Dean, Hammett, Hinshaw, Johnson (E), McAdory, McKee, McMillan, Papucci, Penry, Rogers (J), Sims and Venable.

-15

AMENDMENT OFFERED

Representative Moore offered the following amendment to the bill, H. 577:

On page 7, after line 19, insert the following new subsection:

(d) Except as otherwise specifically authorized by this chapter, the authority of the board shall be limited to employing personnel, examining applicants for licensure, and disciplining licensees. Any communication regarding official board responsibilities with any personnel of the board except the executive director shall be accomplished through the executive director upon a majority vote of the members of the board. No board member or group of board members shall be permitted to communicate directly with any employee of the board, except the executive director, regarding official board responsibilities unless the communication is done through the executive director upon a majority vote of the board.

further amend by:

On page 3, lines 24 and 25, delete the language "by and with the advice and consent of the Senate,"

On page 4, delete lines 9 to 15, inclusive, in their entirety and insert in lieu thereof the following: the Governor to fill the vacated positions on the board. The terms of office for this the

On page 4, lines 24 and 25, delete the language "by and with the advice and consent of the Senate,"

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Box, the motion offered by Representative Hinshaw to temporarily carry over the bill, H. 577, and the pending amendment offered by Representative Moore was tabled.

Yeas 72; Nays 5.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-72

Nay:

Representatives Baker, Gaines, Hinshaw, Johnson (R) and Thomas (D).

- 5

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 580. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Licensure for Professional Geologists with certain modifications; to amend Section 34-41-4, Code of Alabama 1975, so as to provide further for meeting expenses of the board.

TOMMY CARTER
Chairman

And the bill, H. 580, as engrossed, was ordered sent to the Senate.

H. 577 RESUMED

AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Moore to the bill, H. 577, and the amendment was adopted.

Yeas 64; Nays 8.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Carns, Clouse, Dean, Dolbare, Dukes, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Knight (J), Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable and Wren.

-64

Nay:

Representatives Crigler, Gaines, Hinshaw, Hogan, Laird, Millican, Vance and Willis.

- 8

And the bill:

H. 577. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1998 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to to limit the authority of the board; require the dismissal of current board members and the appointment of members to the board; provide further for the executive director and employees of the board; and repeal Section 34-7-45, Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 6.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E),

Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-79

Nay:

Representatives Gaines, Gipson, Hinshaw, Rogers (J), Rogers (M) and Thomas (D).

- 6

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 578, was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-81

Nay:

Representative Gaines.

- 1

And the bill:

H. 578. (With Amendment): Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Counseling with certain modifications; to amend Sections 34-8A-4, 34-8A-5,

34-8A-6, 34-8A-7, and 34-8A-16, Code of Alabama 1975, so as to subject the board to the Alabama Sunset Law; provide for appointments and for board membership; provide further for the executive director; authorize reasonable packaging, processing, and examination fees; provide licensure for master's degrees in psychology; and authorize the levy and collection of administrative fines.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 578, said committee amendment being as follows:

Amend House Bill 578 on page 1, line 25 in the synopsis by deleting the following words: ~~to provide for the licensure of persons with master's degrees in psychology;~~

Also amend on page 2, line 16 in the title by deleting the following words: ~~provide licensure for master's degrees in psychology;~~

Also amend on page 8, line 20 by deleting "~~(a)~~"

Further amend on page 10 by deleting lines 22 through 26 in their entirety.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 74; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-74

Nay:

Representatives Dolbare, Gaines, Hill, Hinshaw and Papucci.

And the bill:

H. 578. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Counseling with certain modifications; to amend Sections 34-8A-4, 34-8A-5, 34-8A-6, 34-8A-7, and 34-8A-16, Code of Alabama 1975, so as to subject the board to the Alabama Sunset Law; provide for appointments and for board membership; provide further for the executive director; authorize reasonable packaging, processing, and examination fees; and authorize the levy and collection of administrative fines.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-80

Nay:

Representative Gaines.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Box, the Budget Isolation Resolution relating to the bill, H. 590, was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R),

Jorgensen, Kennedy, Knight (J), Laird, Letson, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-81

Nay:

Representative Gaines.

- 1

And the bill:

H. 590. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000.

was taken up.

SUBSTITUTE OFFERED

Representative Box offered the following substitute to the bill, H. 590:

A BILL TO BE ENTITLED AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000, with certain modifications; to amend Sections 34-26-1, 34-26-2, 34-26-21, as amended by Act 96-394, 1996 Regular Session, 34-26-22, 34-26-41, as amended by Act 96-394, 1996 Regular Session, 34-26-43, 34-26-43.1, and 34-26-46, Code of Alabama 1975, so as to further define and regulate the practice of psychology to include practitioners known as licensed psychological technicians; to provide further for the membership of the Board of Examiners in Psychology; and to provide further for a technician registration fee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Pursuant to the Alabama Sunset Law, the Sunset Committee recommends the continuance of the Alabama Board of Examiners in Psychology until October 1, 2000, with the additional recommendations for statutory change as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved until October 1, 2000.

Section 3. Sections 34-26-1, 34-26-2, 34-26-21, 34-26-22, 34-26-41, 34-26-43, 34-26-43.1, and 34-26-46, Code of Alabama 1975, are amended to read as follows:

"§34-26-1.

"(a) For the purposes of this chapter, the terms "practice of psychology," "license to practice psychology," "practicing psychology," or any similar term shall be interpreted as applying to both licensed psychologists and licensed psychological technicians, unless specifically stated otherwise.

"(a)(b)(1) A person practices as a "psychologist" within the meaning of this chapter when he or she holds himself out to be a psychologist and/or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics for such purposes as psychological evaluation or for such purposes as overall personality appraisal or classification, personality counseling, psychotherapy or personality readjustment.

"(b)(2) Nothing in this definition shall be construed as permitting the use of those forms of psychotherapy which involve the administration or prescription of drugs or electro-shock or in any way infringing upon the practice of medicine as defined in the laws of this state. The psychologist who engages in psychotherapy must shall establish and maintain effective intercommunication with a psychologically oriented physician, usually a psychiatrist, to make provision for the diagnosis and treatment of medical problems by a physician with an unlimited license to practice the healing arts in this state. A psychologist must shall not attempt to diagnose, prescribe for, treat, or advise a client with reference to problems or complaints falling outside the boundaries of psychological practice.

"(e)(3) Nothing in this definition shall be construed as preventing qualified school counselors, vocational guidance counselors, vocational rehabilitation counselors, speech and hearing therapists, speech pathologists and audiologists, reading therapists, or teachers of exceptional children from rendering to the public for remuneration services for which they are qualified by training and experience involving the techniques of interviewing, administering, and interpreting tests of mental abilities, achievement, interests, and aptitudes for such purposes as evaluation or for educational or vocational guidance, selection, or placement.

"(c) A person practices as a "licensed psychological technician" within the meaning of this chapter when he or she holds himself or herself out to be a licensed psychological technician or renders to individuals or the public for remuneration

neration any service involving the application of recognized principles, methods, and procedures of the science and profession of psychology, such as interviewing or administering and interpreting tests of mental abilities, aptitudes, interests, and personality characteristics, for purposes of psychological evaluation or for educational or vocational selection, guidance, or placement. The licensed psychological technician practices the following only under qualified supervision: overall personality appraisal or classification, personality counseling, psychotherapy, or personality readjustment techniques.

"§34-26-2.

"For the purpose of this chapter, the confidential relations and communications between licensed psychologists, and licensed psychiatrists, or licensed psychological technicians and their clients are placed upon the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communication to be disclosed.

"§34-26-21.

"(a) There is created a state Board of Examiners in Psychology to consist of seven persons who are residents of this state, ~~five of whom who shall be appointed by the Governor under conditions set forth in this section, and two of whom shall be newly appointed within 30 days following October 1, 1988, as provided in this section.~~ At least two members shall be chosen from and shall be members of the faculty, with the rank of assistant professor or above, of the accredited colleges and universities of the state, shall be licensed or qualified for licensure under this chapter, and shall be primarily engaged in teaching, research, or administration of psychology. Three members shall be licensed psychologists or qualified for licensure as psychologists under this chapter. At least one member shall be licensed as a licensed psychological technician or qualified for licensure as a licensed psychological technician under this chapter.

"The board shall perform those duties and exercise those powers prescribed in this chapter. No member of the board shall be liable to civil action for any act performed in good faith in the performance of his or her duty pursuant to this chapter. Original appointments to the board shall be for terms as follows: One practicing psychologist for a term of one year, one academic psychologist for a term of two years, one practicing psychologist for a term of three years, one academic psychologist for a term of four years, and one practicing psychologist for a term of five years. Vacancies shall be filled for any unexpired term, and members shall serve until their successors are appointed and have qualified.

"Board members shall not serve more than two consecutive terms of office. Within 30 days after October 1, 1963, the Executive Committee of the Alabama Psychological Association, or its successor organization shall submit to the Governor a list of qualified candidates for the original five positions on the board. The list shall contain names of at least two qualified academic psychologists and

two qualified practicing psychologists, from which the Governor shall select the board within 60 days. Not later than October 1 of each year the executive committee of the association, or its successor organization shall submit to the Governor the names of two qualified candidates for the position of the board to be vacated by reason of expiration of term of office. From the two candidates the Governor shall appoint one member not later than January 1 to serve on the board for a term of five years. With the exception of the two members appointed from the general public pursuant to subsection (b), other vacancies occurring in the board shall be filled for the unexpired term by appointment of the Governor from two qualified candidates for each vacancy submitted within 30 days after the vacancy occurs by the executive committee of the association, or its successor organization. Those appointments shall be made within 30 days after the candidates' names have been submitted. If the association fails to furnish the Governor with the list of persons eligible for appointment to the board, the Governor shall appoint any qualified members of the profession of psychology to the vacant position on the board.

"(b)(1) Within 30 days following October 1, 1988, the Governor shall appoint two new members to the board for five-year terms of office. Each of the two new members shall be members of the general public, and Alabama residents who are not licensed by the board, and whose spouses, if married, are not licensed by the board. One of the two new public members, and his or her successors, shall be Black. Vacancies for unexpired terms shall be filled by the Governor. Successor public members shall be appointed by the Governor.

"(2) Immediately upon the expiration or vacancy of the public position not held by a Black individual that public position on the board shall be abolished. Thereafter, only one public position shall remain on the board. That public position shall continue to be filled by a member of the general public who is Black.

"(c) On the effective date of this act there is created a licensed psychological technician position on the board. Within 30 days after the effective date of this act the board shall submit to the Governor a list of at least two qualified candidates for the licensed psychological technician position on the board. The Governor shall within 30 days after the submission of the list appoint a candidate to the licensed psychological technician position on the board. The person initially appointed to fill the licensed psychological technician position on the board shall have a master's degree in psychology and shall not be required to be a licensed psychological technician. Any subsequent appointment to the licensed psychological technician position on the board shall be a licensed psychological technician.

"(e)(d) Any board members may be removed by the Governor after notice and hearing for incompetence, neglect of duty, malfeasance in office, or moral turpitude.

"(d)(e) Immediately before entering public duties of the office, the members of the board shall take the constitutional oath of office and shall file the oath in the Office of the Governor, who upon receiving the oath shall issue to each member a

certificate of appointment. The board shall have available for the Governor or his or her representative detailed reports on proceedings and shall make annual reports in the form required by the Governor.

~~"(e)~~(f) The board shall elect annually a chair and vice-chair. Each member shall receive the same per diem and travel allowance paid to state employees for each day's attendance at an official meeting of the board. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair or at the written request of any two members of the board. The board shall adopt a seal which shall be affixed to all certificates issued by the board. The board shall from time to time adopt rules and regulations necessary for the performance of its duties. Four members of the board shall constitute a quorum. The board may hire any assistants necessary to carry on its activities within the limit of funds available to the board. The board may accept grants from foundations, individuals, and institutions to carry on its functions.

"§34-26-22.

"(a) The board of examiners in psychology shall have authority to administer oaths, to summon witnesses and to take testimony in all matters relating to its duties. ~~Said~~ The board shall be the sole agency in this state empowered to certify concerning competence in the practice of psychology and the sole board empowered to recommend licensure for the practice of psychology. The board shall have the power to recognize areas of specialization for practice and to ensure through rules and regulations and enforcement that licensees limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience. No individual shall be issued a license for the practice of psychology who has not been previously certified at the appropriate level of practice by the board of examiners in psychology. ~~The board of examiners in psychology shall certify as competent to practice psychology or as competent to practice as a licensed psychological technician~~ all persons who shall present satisfactory evidence of attainments and qualifications under provisions of this chapter and the rules and regulations of the board. ~~Such~~ The certification shall be signed by the ~~chairman~~ chair of the board of examiners in psychology under the ~~board's~~ adopted seal of the board. ~~It shall be the duty of the board chairman~~ The chair shall, under the direction of the board, ~~to aid the district attorneys in the enforcement of this chapter and the prosecutions of all persons charged with the violation of its provisions.~~ Psychologists and licensed psychological technicians licensed by the board shall be required to submit annually to the board a completed registration fee of up to ~~\$150.00~~ one hundred fifty dollars (\$150) for licensed psychologists and of up to one hundred dollars (\$100) for licensed psychological technicians as set by the board, after the first year. The list of registered psychologists and registered licensed psychological technicians shall be made available to interested individuals or organizations at a nominal charge.

"(b) By the year 1990 the board ~~will~~ shall implement requirements through its rules and regulations that licensees ~~must~~ shall engage in annual continuing education activities other than individual study to renew the license to practice.

The board may charge a reasonable fee to register and keep records of licensees' continuing education credits. Failure to engage in continuing education or failure to pay fees for registration of continuing education credits will provide grounds for suspension of licensure.

"(c) The board ~~is hereby authorized to~~ may promulgate and adopt ~~such~~ rules and regulations as are necessary to implement the requirements of this chapter; ~~provided further that such.~~ The rules and regulations shall be adopted pursuant to the state administrative procedure statutes.

"§34-26-41.

"(a)(1) Any person wishing to obtain the right to practice as a psychologist or licensed psychological technician in this state, who has not heretofore been licensed to do so, shall, before it shall be lawful for him or her to practice psychology in this state, make application to the Board of Examiners in Psychology through the ~~chairman~~ chair upon such form and in such manner as adopted herein.

"(2) Unless ~~such~~ a person has obtained license as aforesaid, it shall be unlawful for him or her to practice; and, if he or she shall practice psychology without first having obtained ~~such~~ a license, he or she shall be deemed to have violated the provisions of this chapter.

"(3) A candidate for ~~such~~ license as a psychologist shall furnish the board with satisfactory evidence ~~that~~ of all of the following:

"(4)a. He or she is of good moral character;_

"(2)b. He or she is at least 19 years of age;_

"(3)c. He or she has received a doctorate degree from a department of, or school of, psychology, from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards;_

"(4)d. He or she is competent in psychology as shown by passing such examinations, written or oral, or both, as the board will prescribe, unless exempted pursuant to subsection (c);_

"(5)e. He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association;_~~and.~~

"(6)f. He or she has not within the preceding six months failed an examination given by the board.

"(b) The board ~~is hereby authorized to~~ may issue a license to any person who is a licensed psychologist of another state, and who applies to the board, provided ~~said~~ the licensee of another state shall furnish the board with satisfactory evidence ~~that~~ of all of the following:

"(1) He or she is of good moral character, and holds his or her license in good standing from another state;_

"(2) He or she is at least 19 years of age;_

"(3) He or she has received a doctorate degree in psychology from an educational institution accredited and recognized by national and regional accrediting agencies as maintaining satisfactory standards or, in lieu of ~~said~~ a degree, a doctorate degree in a closely allied field, if the training received therefor is substantially similar to that required of doctorates obtained from departments of psychology;_

"(4) He or she is competent in psychology as shown by the passing of an examination, unless exempted pursuant to subsection (c), substantially equivalent to the examinations prescribed in subsection (a) ~~hereof~~, or by the passing of a recognized national examination in psychology;_

"(5) He or she is not engaged in unethical practice as defined in the Code of Ethics of the American Psychological Association;_

"(6) He or she has practiced psychology in another state at least four consecutive years prior to application;_~~and~~_

"(7) That ~~such~~ the other state under which he or she is licensed gives similar recognition and reciprocal licensing to licensed psychologists of this state.

"(c) The board shall issue a license to any applicant with a doctoral degree in psychology who is otherwise qualified pursuant to ~~subsections~~ subsection (a) and subdivisions (1) to (6), inclusive, of subsection (b) (1) (6) of this section, who is licensed in at least two states and who has passed a recognized national exam.

"(d)(1) Any person wishing to obtain the right to practice as a licensed psychological technician in this state, who has not heretofore been licensed to do so, shall, before it is lawful for him or her to practice as a licensed psychological technician in this state, make application to the board through the chair, upon such form and in such manner as shall be adopted and prescribed by the board.

"(2) Unless such a person has obtained a license as aforementioned, it is unlawful for him or her to practice, and if he or she practices as a licensed psychological technician without first having obtained a license, he or she has violated the provisions of this chapter.

"(3) A candidate for license as a licensed psychological technician shall furnish the board with satisfactory evidence that he or she satisfies all of the following:

"a. Is of good moral character.

"b. Has had two academic years of graduate training in psychology, including a master's degree, from an accredited educational institution recognized by the board as maintaining satisfactory standards, or, in lieu thereof, training and experience as the board shall consider equivalent thereto.

"c. Is competent as a licensed psychological technician, as shown by passing examinations, written or oral, or both, as the board deems necessary. If the identical examination is used to test both applicants for licensure as a psychologist and applicants for licensure as a licensed psychological technician, a passing score for licensed psychological technicians shall be the national mean raw score for all first-time master's level examinees or 60 percent of the items correct, whichever score is lower for that testing session.

"d. Is not considered by the board to be engaged in unethical practice.

"e. Has not within the preceding six months failed an examination given by the board.

"§34-26-43.

"There shall be paid to the board ~~chairman~~ chair by each applicant for a permanent license to practice psychology a fee not to exceed ~~\$200.00~~ two hundred dollars (\$200), and by each applicant for a permanent license to practice as a licensed psychological technician a fee not to exceed one hundred forty dollars (\$140), as set by the board. No part of any fee shall be returnable under any circumstance other than failure of the board to hold examinations at the time originally announced, whereupon the entire fee may be returned at the option of the candidate. All fees collected in this manner plus renewal fees as outlined in section 34-26-22 and all gifts or grants shall be deposited in the state treasury to the credit of the board. Vouchers in payment of expenses shall be drawn on the state comptroller signed by the ~~chairman~~ chair of the board.

"§34-26-43.1.

"The Board of Examiners in Psychology shall charge each candidate for licensure as a psychologist or licensed psychological technician an examination fee sufficient to cover the entire actual costs of the examination of the applicant.

"§34-26-46.

"(a) The board shall have the power and duty to suspend, place on probation, or require remediation for any psychologist or licensed psychological technician for a specified time, to be determined at the discretion of the board, or to revoke any license to practice psychology or to take any other action specified in the rules and regulations whenever the board shall find by a preponderance of the evidence that the psychologist or licensed psychological technician has engaged in any of the following acts or offenses:

"(1) Fraud or deception in applying for or procuring a license to practice psychology; or in passing the examination provided for in this chapter;_

"(2) The practice of ~~psychology~~ psychology under a false or assumed name or the impersonation of another practitioner of a like or different name;_

"(3) Immoral, unprofessional, or dishonorable conduct as defined in the rules and regulations promulgated by the board;_

"(4) Practicing psychology in such a manner as to endanger the welfare of clients or patients;_

"(5) Conviction of felony (a copy of the record of conviction, certified to by the clerk of the court entering the conviction shall be conclusive evidence);_

"(6) Conviction of any crime or offense that reflects the inability of the practitioner to practice psychology with due regard for the health and safety of clients or patients;_

"(7) Harassment, intimidation, or abuse, sexual or otherwise, of a client or patient;_

"(8) Engaging in sexual intercourse or other sexual contact with a client or patient;_

"(9) Use of repeated untruthful or deceptive or improbable statements concerning the licensee's qualifications or the effects or results of proposed treatment, including functioning outside of one's professional competence or area of specialization established by education, training, and experience as recognized by the board;_

"(10) Gross malpractice or repeated malpractice or gross negligence in the practice of psychology;_

"(11) Aiding or abetting the practice of psychology by any person not licensed by the board;_

"(12) Conviction of fraud in filing Medicare or Medicaid claims or in filing claims to any third party payor (a copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence);_

"(13) Exercising undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;_

"(14) The suspension or revocation by another state of a license to practice psychology (a certified copy of the record of suspension or revocation of the state making such a suspension or revocation shall be conclusive evidence thereof);_

"(15) Refusal to appear before the board after having been ordered to do so in writing by the executive office or chair of the board;_

"(16) Making any fraudulent or untrue statement to the board;_

"(17) Violation of the code of ethics adopted in the rules and regulations of the board;_

"(18) Upon the recommendation of the ethics committee of the Alabama psychological association or the ethics committee of the American Psychological Association;_

"(19) Inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, inebriation, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition;_

"(20) Engaged in the practice of psychology before a license was issued;_

"(21) Failure to engage in continuing education or failure to pay fees for registration of continuing education credits;_

"(b) When the issue is whether or not a psychologist or licensed psychological technician is physically or mentally capable of practicing psychology with reasonable skill and safety to patients or clients, then, upon a showing of probable cause to the board that the psychologist or licensed psychological technician is not capable of practicing psychology with reasonable skill and safety to patients, the board may petition a court of competent jurisdiction to order the psychologist or licensed psychological technician in question to submit to a psychological examination by a psychologist to determine psychological status and/or a physical examination by a physician to determine physical condition. ~~Such~~ The psychologist and/or physician is to be designated by the court. The expense of ~~such~~ the examination shall be borne by the board. Where the psychologist or licensed psychological technician raises the issue of mental or physical competence or appeals a decision regarding his or her mental or physical competence, the psychologist or licensed psychological technician shall be permitted to obtain his or her own evaluation at ~~the psychologist's his or her own~~ expense. If the objectivity or adequacy of the examination is suspect, the board may complete an examination by its designated practitioners at its own expense. When mental or physical capacity to practice is at issue, every psychologist or licensed psychological technician licensed to practice psychology in the state shall be deemed to have given consent to submit to a mental or physical examination or to any combination of such examinations and to waive all objections to the admissibility of the examination, or to previously adjudicated evidence of mental incompetence.

"~~(b)~~ (c) The board of examiners in psychology may refuse to grant a certificate, or may recommend suspension of any ~~such~~ license for a definite period not to exceed three years. ~~Said~~ The board may, upon satisfactory proof that any applicant or licensee has been guilty of any of the above offenses, refuse to grant a certificate to ~~said~~ the applicant or may recommend revocation of a license of

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said the licentiate upon a vote of at least four members of the board. After three years from the date of a revocation, an application for reinstatement may be made to the board, and it may, upon favorable action by four of its members, recommend ~~such~~ reinstatement."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. This act shall become effective on October 1, 1997, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 69; Nays 10.

Yea:

Mr. Speaker, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Dean, Dukes, Flowers, Gaston, Graham, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (J), Laird, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrow, Newton (C), Page, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Dolbare, Gaines, Galliher, Guin, Haney, Hinshaw, Jorgensen, Morrison, Murphree and Papucci.

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And the bill:

H. 590. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000, with certain modifications; to amend Sections 34-26-1, 34-26-2, 34-26-21, as amended by Act 96-394, 1996 Regular Session, 34-26-22, 34-26-41, as amended by Act 96-394, 1996 Regular Session, 34-26-43, 34-26-43.1, and 34-26-46, Code of Alabama 1975, so as to further define and regulate the practice of psychology to include practitioners known as licensed psychological technicians; to provide further for the membership of the Board of Examiners in Psychology; and to provide further for a technician registration fee.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representative Gaines.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 11:55 a.m. on February 27, 1997.

H. 87

H. 242

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Houston, the House adjourned until 1:00 o'clock p.m., Tuesday, March 4, 1997.

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NINTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, March 4, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Amber Miller, Miss Alabama Agriculture.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Amber Miller, Miss Alabama Agriculture.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eighth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eighth legislative day was dispensed with.

LEAVE OF ABSENCE

At the request of Representative Hammett, leave of absence was granted for Representative Knight (A).

RESOLUTION

The following resolution was introduced:

By Representatives Clark (J) and Hammett:

H.J.R. 183. COMMENDING AMBER MILLER, MISS ALABAMA AGRICULTURE, AND WELCOMING HER TO THE ALABAMA LEGISLATURE.

WHEREAS, the accomplishments of Amber Miller are a source of great joy and pride to the Alabama Legislature, and are deserving of highest commendations and heartiest congratulations; and

WHEREAS, Amber Miller, a native of Barbour County and the daughter of Vicki Meadows and David Miller, is a graduate of Louisville High School, whose skill and determination lead her to succeed in her educational endeavors; and

WHEREAS, currently enrolled in the College of Agriculture at Auburn University where she is majoring in Agricultural Economics and Education, Amber's future plans include marketing or management in the agricultural industry; and

WHEREAS, a young Alabamian of whom we are justly proud, Amber received the prestigious honor of being chosen Miss Alabama Agriculture in December 1996, representing the promise of young people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Amber Miller on her selection as Miss Alabama Agriculture, and acknowledge and applaud her for the exemplary manner in which she has represented Auburn University and the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Amber with sincere best wishes for continued success in future endeavors.

On motion of Representative Hammett, the rules were suspended and the resolution, H.J.R. 183, was adopted.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:00 o'clock a.m. on Thursday, March 6, 1997, and the motion was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 577. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Cosmetology until October 1, 1998 with certain modifications; to amend Sections 34-7-7, 34-7-40, 34-7-41, and 34-7-46, Code of Alabama 1975, so as to to limit the authority of the board; require the dismissal of current board members and the appointment of members to the board; provide further for the executive director and employees of the board; and repeal Section 34-7-45, Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 577, as engrossed, was ordered sent to the Senate.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 177. DESIGNATING HORSE PENS 40 AS THE "HOME OF THE SOUTH'S BLUEGRASS MUSIC."

WHEREAS, the Alabama Legislature notes with pride and gratitude the contributions of Horse Pens 40 to the State of Alabama; and

WHEREAS, Warren Musgrove of Huntsville, Alabama, was instrumental in opening this beautiful 40-acre site of ancient Indian horse pens located in the recesses of Chandler Mountain in St. Clair County; and

WHEREAS, he has staunchly supported projects and programs to benefit the development of Horse Pens 40 including an information center, camping facilities, picnic areas, nature trails, and the ever-popular arts and crafts shows; and

WHEREAS, Horse Pens 40 also has gained prominence for Warren Musgrove's "secret mountain sauce," Aunt Pluma's "Baptist biscuits," and for its reputation for providing excellent home-cooked food with a family atmosphere; and

WHEREAS, while local women display their handiwork and blacksmiths bring their anvils, children can experience history that was commonplace to their grandparents; and

WHEREAS, Horse Pens 40 has indeed played a vital role in the formation, growth, and progress of this spectacular attraction, which reflects positively upon our state, community, and citizens; and

WHEREAS, known as the home of the Indians for thousands of years, and as the largest Bluegrass Festival in the United States, Horse Pens 40 is commended on its exemplary contributions to improving the quality of life in St. Clair County, and, by copy of this resolution, conveyed sincere best wishes for continued success in the future; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Horse Pens 40 located five miles off Highway 231 in St. Clair County is hereby designated "Home of the South's Bluegrass Music."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to appropriate officials and that signs be erected to reflect the naming of this area.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 177, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 178. COMMENDING BILL HOMER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, on March 6, 1997, family and friends will gather to honor Bill Homer for his many years of dedicated service to the Huntsville/Madison County YMCA and to our youth; and

WHEREAS, Bill Homer was raised on a farm near Hamilton in Marion County and learned early from his parents the principles of hard work, integrity, and love for others; and

WHEREAS, over his long and dedicated tenures of service as teacher, coach, and for more than 33 years with the Huntsville/Madison County YMCA, Bill Homer impacted greatly upon the lives of countless young people and contributed significantly to their futures as successful and responsible adults; and

WHEREAS, Bill Homer began his career with the Huntsville YMCA in 1963, as Physical Director at the McCormick Branch and thereafter served successively as City-Wide Sports Coordinator and Physical Director, Central Branch; Branch Executive Director, McCormick Branch; Branch Executive, Northwest YMCA; Branch Executive Director, Northwest and Central YMCAs; City-Wide Sports Coordinator and Executive Director, Central Branch; and as Rural Branch Executive Director and Assistant Chief Executive Officer, the position he held through 1996; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Bill Homer is indeed deserving of highest public recognition for his instrumental role in the success of the Huntsville/Madison County YMCA program, and for his contributions to the benefit of our young people.

BE IT FURTHER RESOLVED, That highest commendation is hereby bestowed upon Bill Homer of Huntsville, Alabama, to whom a copy of this resolution of sincere praise and gratitude shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 178, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 179. HONORING THE WILBERFORCE UNIVERSITY GOSPEL CHOIR AND WELCOMING THEM TO BETHEL AME CHURCH, ENSLEY, BIRMINGHAM, ALABAMA.

WHEREAS, on March 5, 1997, The Wilberforce University Gospel Choir of Wilberforce, Ohio, will perform in concert at Bethel AME Church, Ensley, Birmingham, Alabama; and

WHEREAS, over the years, this celebrated group of young performers have shared their message of hope and inspiration with grateful audiences throughout the country, and we are indeed pleased to welcome them to Bethel AME Church, Ensley, and to Alabama; and

WHEREAS, steeped in history and boasting a roster of outstanding alumni, Wilberforce University was founded in 1847 and incorporated in 1856, and is affiliated with the African Methodist Episcopal Church; it is a private coeducational liberal arts university, offering courses toward a bachelor's degree in business and economics, the humanities, natural and social sciences, and attracts students from all over the world; it also is the oldest predominantly Black private university in the United States and the oldest Black institution of higher education in the western hemisphere; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this special occasion, a very warm and cordial welcome is hereby extended to The Wilberforce University Gospel Choir, for which a copy of this resolution shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 179, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 180. COMMENDING HATTIE P. KING, MS. SENIOR AMERICA OF ALABAMA, 1997.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Hattie P. King as Ms. Senior America of Alabama for 1997; and

WHEREAS, Ms. Senior America of Alabama, Inc., was founded in 1985, following the organization of Senior America, Inc., the world's first and foremost pageant to emphasize and give honor to women who have reached the "age of elegance," and based upon the belief that seniors are the foundation of America and our most valuable treasure; that is upon their knowledge, experience and resources that the younger generation has the opportunity to build a better society; and

WHEREAS, Ms. King is indeed a worthy role model not only for her peers, but for other generations as well; currently employed as a member of the Alabama legislative staff, Ms. King served diligently in public service as an employee of Tuskegee city government for some 31 years, and as City Clerk for 24 of these years; she was the city's first Certified Municipal Clerk, receiving her certification only after four years of diligent hard work and dedication to complete the required training; and

WHEREAS, within her community, Ms. King has been a strong supporter and volunteer with the Tuskegee Fire Department, and is a longtime, active member of Bowen United Methodist Church, where she sings in the choir; and

WHEREAS, she also has reached beyond to show her compassion and concern for the less fortunate, taking and sending boxes of clothing to the people of Ghana, and most especially for the children; and

WHEREAS, Ms. King was married to the late Dallas King, her childhood sweetheart, for 34 years until his death, and she is the devoted mother of three children, all of whom are making significant contributions to their country and communities, and the proud grandmother of six; and

WHEREAS, during her reign, Ms. King has entertained and talked with people from all age groups; she has appeared in a St. Patrick's Day parade and Christmas parades around the state; met with the Governor and mayors of major cities in Alabama, spoken with seventh grade girls, entertained professionals in the field of aging, and performed her Tina Turner routine at an RSVP banquet; and

WHEREAS, with her quiet dignity, self-assurance, natural beauty, and care and concern for others, Hattie P. King has indeed demonstrated for all who meet her that being over age 60 is just the beginning for a renaissance woman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, highest commendation is hereby accorded Hattie P. King, Ms. Senior America of Alabama for 1997, for whom a copy of this resolution shall be provided as an expression of our tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 180, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 46. EXPRESSING OUR CONTINUING BEST WISHES TO KATY STOWE FOR A SPEEDY RECOVERY.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 46.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 47. COMMENDING FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH GENE STALLINGS ON HIS MANY LIFETIME ACHIEVEMENTS.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 47.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 48. NAMING THE VISIONLAND FREEWAY.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 48.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 49. URGING THE SECRETARY OF THE ARMY AND U.S. SENATOR RICHARD SHELBY TO PERMIT CONTINUED CIVILIAN USE OF RIFLE RANGE 25 AT FORT McCLELLAN.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 49.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 50. CONGRATULATING THE CLAY COUNTY PANTHERS ON THEIR THREE-TIME STATE 2A FOOTBALL CHAMPIONSHIP.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 50.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 51. COMMENDING LILLIE BROWN ON HER COMMITMENT TO THE CAUSE OF CIVIL RIGHTS AND VOTING RIGHTS.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 51.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 52. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY METHODS OF PRESERVING THE CHILDHOOD HOME OF NAT KING COLE.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 52.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 153. COMMENDING THE GRISSOM HIGH SCHOOL WRESTLING TEAM ON ITS THIRD STRAIGHT CHAMPIONSHIP GAME.

WHEREAS, it was a phenomenal year for the Grissom High School Wrestling Team, which captured its third straight state championship at the Wallace State Tom Drake Coliseum; and

WHEREAS, under the skillful leadership of Coach Joe Dasaro, the Grissom Wrestling Team, and all of those individuals associated with the team are deserving of special commendation; and

WHEREAS, the unparalleled success of the team is the result of not only the devotion and hard work of the members themselves, but also the support of the student body, the faculty, and the staff; and

WHEREAS, the people in the Huntsville Community can be proud of athletic competitors the caliber of the Grissom High School Wrestling Team, who so admirably represent them in sporting events, and who possess the skill and determination to succeed in their efforts; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Grissom High School Wrestling Team is congratulated for winning its third straight state championship, and that the team members and coaching staff are commended for the exemplary manner in which they have represented their school and community.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 153, was adopted.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 578. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Counseling with certain modifications; to amend Sections 34-8A-4, 34-8A-5, 34-8A-6, 34-8A-7, and 34-8A-16, Code of Alabama 1975, so as to subject the board to the Alabama Sunset Law; provide for appointments and for board membership; provide further for the executive director; authorize reasonable packaging, processing, and examination fees; and authorize the levy and collection of administrative fines.

TOMMY CARTER
Chairman

And the bill, H. 578, as engrossed, was ordered sent to the Senate.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 590. Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology until October 1, 2000, with certain modifications; to amend Sections 34-26-1, 34-26-2, 34-26-21, as amended by Act 96-394, 1996 Regular Session, 34-26-22, 34-26-41, as amended by Act 96-394, 1996 Regular Session, 34-26-43, 34-26-43.1, and 34-26-46, Code of Alabama 1975, so as to further define and regulate the practice of psychology to include practitioners known as licensed psychological technicians; to provide further for the membership of the Board of Examiners in Psychology; and to provide further for a technician registration fee.

TOMMY CARTER
Chairman

And the bill, H. 590, as engrossed, was ordered sent to the Senate.

BILLS ON SECOND READING

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 166. Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Collins (With Notice and Proof):

H. 678. Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Bevell Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 678, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Johnson (R) and Drake:

H. 679. To amend Section 20-2-58, Code of Alabama 1975, relating to the dispensing of Schedule II controlled substances, to permit a pharmacist to dispense a Schedule II controlled substance to a terminally ill patient under certain conditions.

COMMITTEE ON HEALTH

By Representative Johnson (R):

H. 680. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1997, and September 30, 1998, and providing for a prospective effective date.

COMMITTEE ON HEALTH

By Representative Hill:

H. 681. Relating to the Fair Campaign Practices Act; amending Section 17-22A-9, Code of Alabama 1975, to provide further for the filing of campaign finance disclosure statements by electronic media.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representatives Minnifield and Houston:

H. 682. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Fairfield in Jefferson County and may provide further for the operation of the board.

COMMITTEE ON LOCAL LEGISLATION NO. 2

The above bill was read a first time at length as required by the Constitution.

By Representative Willis (With Notice and Proof):

H. 683. Relating to Calhoun County; to authorize the Calhoun County Commission to levy an additional lodging tax; and to provide for distribution.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 683, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M):

H. 684. To provide that certain services necessary for selling or refinancing bonds or other securities of the state or instrumentality thereof shall be subject to competitive bids.

COMMITTEE ON BANKING

By Representative Rogers (M) (With Notice and Proof):

H. 685. To alter and rearrange the boundary lines and corporate limits of the municipality of Anniston in Calhoun County to remove certain property from the corporate limits of the municipality.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 685, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M) (With Notice and Proof):

H. 686. To alter and rearrange the boundary lines and corporate limits of the municipality of Blue Mountain in Calhoun County to remove certain property from the corporate limits of the municipality, all property owned only by Blue Mountain Industries.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 686, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative McMillan:

H. 687. Allowing certain public employees a limited amount of miscellaneous or ancillary use of cellular telephone service subscribed to by certain governmental entities for public business purposes.

COMMITTEE ON STATE ADMINISTRATION

By Representatives McMillan and Mitchell:

H. 688. Providing that the records of juvenile offenders are subject to public inspection.

COMMITTEE ON JUDICIARY

By Representative Graham:

H. 689. Reopening, for a certain time, the Teachers' Retirement System for purchase of certain service credit by certain active members for certain prior service rendered to an employer who may join the system pursuant to Section 16-25-10.7, Code of Alabama 1975, but has not elected to participate.

COMMITTEE ON WAYS AND MEANS

By Representatives Sims and Haney:

H. 690. To provide for distinctive motor vehicle license plates for Retired Alabama Peace Officers Annuity and Benefit Fund; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Turnham:

H. 691. To repeal Section 21-3A-11, Code of Alabama 1975, relating to certain mandates for the Alabama Early Intervention Act for Infants and Toddlers with Disabilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Newton (D) and Flowers:

H. 692. To amend Sections 12-19-250, 12-19-250.1, and 12-19-251 of the Code of Alabama 1975; to rename the existing docket fee and the "Fair Trial Tax Fund"; and to increase the docket fees in certain drug-related offenses and provide for the proceeds to be used for the representation of indigent criminal defendants, juveniles, and certain other persons; and to amend Sections

15-12-21, 15-12-22, and 15-12-23 of the Code of Alabama 1975, relating to appointment and compensation of attorneys appointed to represent an indigent criminal defendant, a juvenile, or certain other persons; to provide for an increase of the hourly compensation for in-court and out-of-court time of attorneys; to provide further for the limit on the compensation of attorneys in certain criminal cases; to provide that the courts may approve an attorney's fee in excess of the maximum attorney's fee allowed for good cause shown.

COMMITTEE ON WAYS AND MEANS

By Representative McDaniel:

H. 693. To amend Section 25-5-293, Code of Alabama 1975, relating to educational seminars associated with workers' compensation claims, to provide further for the deposit and expenditures of the registration fees.

COMMITTEE ON COMMERCE, TRANSPORTATION AND UTILITIES

By Representatives Sanderson, Hinshaw, Gaines, Johnson (R), Pringle, Flowers, Wren, Gaston, Vance, Sims, Murphree, Guin, Fuller, and Millican:

H. 694. To provide that only a physician may perform an abortion; to require any abortion be performed in a hospital or only by a physician with admitting privileges to a hospital; to provide if not done in a hospital, anesthesia must be given by a licensed anesthesiologist or licensed certified registered nurse anesthetist; to require certain reporting requirements of abortion or reproductive health centers and for license suspension for failure to report; to provide a basis for professional disciplinary action, injunctive relief, damages and penalties for violations.

COMMITTEE ON HEALTH

By Representative Parker (T):

H. 695. To amend Section 15-23-79 of the Code of Alabama 1975, relating to the Board of Pardons and Paroles; to provide that a victim may, in addition to being present at a parole hearing, submit a written, audio taped, or video taped statement to the Board of Pardons and Paroles.

COMMITTEE ON JUDICIARY

By Representative Crigler (With Notice and Proof):

H. 696. Relating to Mobile County; to require owners and operators of convenience stores to have two employees on duty at certain times or to restrict entry into the store if only one employee is on duty.

COMMITTEE ON LOCAL LEGISLATION NO. 3

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I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 696, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Thomas (D):

H. 697. To amend Section 34-14B-3, Code of Alabama 1975, relating to the Alabama Home Inspectors Registration Act, to eliminate the requirement for liability and property damage insurance.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hinshaw:

H. 698. To provide for distinctive motor vehicle license plates for certified public accountants; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw:

H. 699. To provide for distinctive motor vehicle license plates for architects; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Vance:

H. 700. To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of the judge of probate, and to provide for an effective date.

COMMITTEE ON JUDICIARY

By Representative Parker (T):

H. 701. To provide for distinctive motor vehicle license plates for members of the Alabama Association of Realtors; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representative Black (L):

H. 702. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Sumter County Commission to levy a three mill ad valorem tax for fire protection.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Melton:

H. 703. Relating to any Class 4 municipality; to authorize the Legislature by local law to provide for the election and operation of the board of education in the municipality.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Robinson:

H. 704. To amend Sections 40-23-4 and 40-23-62, Code of Alabama 1975, as amended by Section 1 of Act 96-544, to exempt burial vaults from sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers and Johnson (R):

H. 705. To amend Section 12-15-61 of the Code of Alabama 1975, as amended by Act 96-570, S. 119, 1996 Regular Session (Acts 1996, p. 864), relating to the disposition of delinquent children; to require the Department of Youth Services to accept a child for commitment within seven days after an order of commitment; and to require the Department of Youth Services to reimburse each county for the care of all children who are not accepted by the department within seven days after an order of commitment has been entered.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Murphree, Sanderford, Haney, Starkey, Flowers, Newton (C), Wren, Seibenhener, Morrow, Gipson, Carns, White, Jorgensen, Hooper, and Vance:

H. 706. To clarify that municipal and county sales, use, rental, and lodgings taxes must conform to the corresponding state levies except for the rate of tax; that the Department of Revenue shall, upon the request of a municipal or county government, collect sales, use, rental, or lodgings taxes for that government; that the fee the Department of Revenue receives for collecting a local tax shall be the lesser of two percent of collections or the actual cost of collection; that filing be

simplified by increasing the monthly filing threshold; that a single form be developed and used for reporting and payment for all local sales, use, rental, and lodgings taxes administered by the Department of Revenue; that a single form be developed and used for reporting and payment of those sales, use, rental, and lodgings taxes levied by or on behalf of self-administered municipalities and counties; that distribution of local tax revenues collected by the Department of Revenue shall be made in an expedited manner; to establish a delayed effective date; to amend Act 96-471 of the 1996 Regular Session, now appearing as Section 11-3-11.2, and Sections 11-51-180, 11-51-181, 11-51-182, 11-51-183, 11-51-185, 11-51-200, 11-51-201, 11-51-202, 11-51-203, 11-51-204, 11-51-205, 11-51-207, 40-12-4, 40-23-2.1, 40-23-7, and 40-23-68, Code of Alabama 1975; and to add new Sections 11-51-208, 11-51-209, 11-51-210, 11-51-211, and 11-51-212 to Title 11, Code of Alabama 1975.

COMMITTEE ON STATE ADMINISTRATION

By Representative Newton (C):

H. 707. Providing for the Uniform Transfer On Death Security Registration Act; permitting owners of securities to register beneficiaries to whom the ownership of the security shall be transferred upon the death of the owner; providing certain ownership and registering requirements, applicable law, the effect of registering, protection for the registering entity, terms and conditions the registering entity may impose, and illustrations of registration forms.

COMMITTEE ON JUDICIARY

By Representative Box:

H. 708. To amend Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education.

COMMITTEE ON EDUCATION

By Representatives Townsend, Wren, McKee, and Murphree:

H. 709. To amend Sections 1 and 2 of Act 96-692, 1996 Regular Session, now appearing as Section 27-2-39, Code of Alabama 1975; to further clarify the distribution of proceeds collected by the Commissioner of Insurance for deposit in the Insurance Department Fund.

COMMITTEE ON INSURANCE

BILLS ON THIRD READING**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Hawk, the Budget Isolation Resolution relating to the bill, H. 398, was adopted.

Yeas 18; Nays 0.

Yea:

Mr. Speaker, Carns, Clouse, Drake, Guin, Hawk, Hawkins, Hogan, Maull, McDaniel, Parker (T), Payne, Perdue, Sanderford, Thomas (D), Townsend, Vance and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 398. Relating to Marshall County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Marshall County, except for the chief deputy, to the authority of the Personnel Board of Marshall County.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Curry, Dean, Drake, Ford, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Jorgensen, Layson, Maull, McAdory, McDaniel, McMillan, Melton, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Guin, the Budget Isolation Resolution relating to the bill, H. 632, was adopted.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Burke, Buskey, Carns, Carter, Clouse, Collins, Curry, Dolbare, Gaines, Gaston, Guin, Hall (A), Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jorgensen, Layson, McAdory, McClammy, McMillan, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Payne, Perdue, Petelos, Rogers (J), Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Vance and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 632. Relating to Walker County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 44; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Gaines, Gaston, Guin, Hawkins, Hill, Hinshaw, Hogan, Houston, Jorgensen, Letson, Maull, McClammy, McMillan, Moore, Morrison, Murphree, Newton (C), Papucci, Parker (T), Payne, Perdue, Pringle, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend and Willis.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 634, were temporarily carried over at the request of Representative Hogan.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 184. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Ninth legislative day, Tuesday, March 4, 1997, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the Following bills:

Inst Id	Page
H. 20 (By Morrison)	12
Cullman Co. Bd. of Ed., supp. approp.	
H. 367 (By Page)	27
Election officers, returning officers, mileage comp., Sec. 17-6-13 am'd.	
H. 288 (By Pringle)	10
State Docks, retirement incentive program, funding, cost-benefit analysis, Sec. 33-1-5.1 am'd.	

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H. 3 (By Haney) 57

Credit cards, definition of expanded for purposes of illegal possession, Sec. 13A-9-14 am'd.

H. 394 (By Allen) 46

Motor vehicles, temporary tag for vehicle sold in Alabama by manufacturer to be permanently licensed in another country, distrib. of revenue to co. road and bridge fund

H. 450 (By Graham) 63

Educational institutions, bd. of ed. and under st. bd. of ed., job openings, posting of notices, req.

H. 47 (By Houston) 29

Mayors auth. to give cash or non-cash awards to employees for exemplary performance

H. 335 (By Hamilton) 71

Speed limits in school zones on highways, enforcement by local law enforcement authorities, Sec. 32-5A-171 am'd. Act 96-577, 1996 Reg. Sess. am'd.

H. 317 (By Newton C) 110

Liquefied Petroleum Gas Bd., F-1 Permit to fill welding or cutting gases and cert. LP-gas containers, use of research ed. fund, Secs. 9-17-105, 9-17-106, 9-17-110 am'd.

H. 490 (By Dukes) 68

Municipalities and cos., contracts with each other to provide services

On motion of Representative Carter, the resolution, H.R. 184, was adopted.

S. 54 REREFERRED

No objection being offered, the Speaker rereferred the bill, S. 54, from the Standing Committee on Ways and Means to the Standing Committee on Local Government.

H. 51 REREFERRED

No objection being offered, the Speaker rereferred the bill, H. 51, from the Standing Committee on Ways and Means to the Standing Committee on Local Government.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrison, the Budget Isolation Resolution relating to the bill, H. 20, was adopted.

Yeas 73; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hooper, Houston, Jackson, Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Venable and Wren.

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And the bill:

H. 20. (With Substitute): To make a \$3,000,000 supplemental appropriation from the Education Trust Fund for the fiscal year ending September 30, 1997, to the Cullman County Board of Education for capital outlay purposes for the replacement of or repairs to schools damaged by fire.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 20, said committee substitute being as follows:

To make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1997 for capital outlay purposes for the replacement of or repairs to schools damaged by fire as follows: (1) To the Cullman County Board of Education: one million five hundred thousand dollars (\$1,500,000); (2) to the Madison County Board of Education: one hundred fifty thousand dollars (\$150,000); and (3) to the Tallapoosa County Board of Education: four hundred fifty thousand dollars (\$450,000); and to make appropriations from the Education Trust Fund for the fiscal year ending September 30, 1998 to the same boards of educations for the same purposes in the event the conditional appropriations made by this act are not released.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Morrison offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 20:

**A BILL
TO BE ENTITLED
AN ACT**

To make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1997 for capital outlay purposes for the replacement of or repairs to schools damaged by fire as follows: (1) To the Cullman County Board of Education: one million five hundred thousand dollars (\$1,500,000); (2) to the Madison County Board of Education: one hundred fifty thousand dollars (\$150,000); and (3) to the Tallapoosa County Board of Education: four hundred fifty thousand dollars (\$450,000); and to make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1998 to the same boards of educations for the same purposes in the event the conditional appropriations made by this act for the fiscal year ending September 30, 1997 are not released.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is appropriated to the following local boards of education from the Education Trust Fund the following amounts for the fiscal year ending September 30, 1997 to be conditioned on the availability of funds in the Education Trust Fund and the approval of the Governor. These conditional appropriations shall be used for capital outlay purposes for the replacement of or repairs to schools damaged by fire:

- | | | |
|-----|---|--------------|
| (1) | Cullman County Board of Education..... | \$1,500,000. |
| (2) | Madison County Board of Education for Madison County High School..... | \$150,000. |
| (3) | Tallapoosa County Board of Education for Reeltown High School..... | \$450,000. |

Section 2. In the event the conditional appropriations provided for in Section 1 of this act are not released in full by the Governor, those amounts are hereby appropriated in the same amounts to the same entities for the same purposes from the Education Trust Fund for the fiscal year ending September 30, 1998 to be conditioned on the availability of funds in the Education Trust Fund and the approval of the Governor. In the event some portion of the conditional appropriations are released in fiscal year 1997, only the amounts necessary to obtain the amounts provided in Section 1 are hereby conditionally appropriated from the Education Trust fund for the fiscal year ending September 30, 1998 contingent upon the availability of funds in the Education Trust Fund and the approval of the Governor.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Morrison was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Wren offered the following amendment to the bill, H. 20, as amended:

On page 1, line 12, after the word "fire" insert the following: or natural disaster

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On page 1, line 14, after the ";," delete the following: "and"

On page 1, line 15, after the dollar amount "\$450,000" insert the following:

(4) to the Montgomery County Board of Education: \$400,000: and (5) to the Elmore County Board of Education: \$300,000

On page 2, line 4, after the word "fire" insert the following: or natural disaster

On page 2, line 8, delete the word "and"

On page 2, line 9, after ";," insert the following: (4) to the Montgomery County Board of Education: four hundred thousand dollars (\$400,000); and (5) to the Elmore County Board of Education: three hundred thousand dollars (\$300,000);

On page 3, line 2, after the "period" insert the following:

(4) Montgomery County Board of Education.....\$400,000.

(5) Elmore County Board of Education.....\$300,000.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (J), Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representative Parker (P).

And the bill, H. 20, as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (J), Layson, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Hall (L) intended to vote "Yea" on passage of the bill, H. 20, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hogan, the Budget Isolation Resolution relating to the bill, H. 634, was adopted.

Yeas 57; Nays 2.

Yea:

Mr. Speaker, Black (L), Black (M), Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (J), Lindsey, McClammy, McMillan, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

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Yea:

Mr. Speaker, Black (L), Black (M), Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Knight (J), Lindsey, McClammy, McMillan, Melton, Millican, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Petelos, Pringle, Robinson, Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

-57

Nay:

Representatives Carns and Payne.

- 2

And the bill:

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

was taken up.

AMENDMENT OFFERED

Representative Hogan offered the following amendment to the bill, H. 634:

Amend H. 634, page 1, line 25, after the word and punctuation "costs.", by inserting the following language: In addition, the commission shall not levy any privilege license tax or fee: (1) on any public utility which, as of the effective date of this act, is paying a franchise tax or other privilege license tax based on gross receipts, (2) which is substantially similar to the recordation tax on mortgage indentures imposed under Chapter 22 of Title 40 of the Code of Alabama 1975 in its method of computation or incidents of taxation, or (3) which is based on gross receipts of public utilities and is in the nature of a sales or use tax.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 64; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Drake, Dukes, Flowers, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (J), Turnham, Vance, Venable, White, Willis and Wren.

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And the bill:

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 58; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carter, Clark (W), Crigler, Curry, Dolbare, Dukes, Flowers, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Jorgensen, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Minnifield, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Thomas (J), Turnham, Vance, Venable, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 367, was adopted.

Yeas 72; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-72

Nay:

Representative Carns.

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And the bill:

H. 367. To amend Section 17-6-13 of the Code of Alabama 1975, to provide mileage for the returning officer.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Jackson, Jorgensen, Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Pringle offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 288.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 184, the time to debate the bill, H. 288, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 3, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Layson, Letson, Maull, McAdory, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-72

And the bill:

H. 3. To amend Section 13A-9-14, Code of Alabama 1975, to expand the definition of credit card for purposes of illegal possession of a credit card or fraudulent use of a credit card to include references to bank credit cards, debit cards, or bank withdrawal transactions, including the use of an account number, to be consistent with the definition of credit card for purposes of fraud by persons authorized to provide goods, money, and services by credit card transactions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Layson, Lindsey, Maull, McAdory, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Allen, the Budget Isolation Resolution relating to the bill, H. 394, was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Starkey, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-80

And the bill:

H. 394. To provide for the purchase and issuance of a temporary tag and issuance of a temporary registration for motor vehicles constructed within this state if the motor vehicle is to be permanently licensed in another jurisdiction; to provide for distribution of the net proceeds from the sale of the tags or plates; to provide for an appropriation; and to provide for a delayed effective date.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Graham, the Budget Isolation Resolution relating to the bill, H. 450, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Burke, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Guin, Hall (L), Hammett, Haney, Hawk, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Letson, Lindsey, McAdory, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, White and Willis.

-69

And the bill:

H. 450. Relating to policies of certain school boards; to require the posting of personnel vacancy notices before the positions are filled; to provide for the adoption of board policies; and to allow for the suspension of posting notices in emergency situations.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-82

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Houston, the Budget Isolation Resolution relating to the bill, H. 47, was adopted.

Yeas 46; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Boyd, Burke, Carns, Carter, Collins, Drake, Ford, Fuller, Galliher, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Jackson, Letson, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Robinson, Rogers (J), Spratt, Starkey, Townsend and Venable.

-46

Nay:

Representatives Curry, Dolbare, Laird, Layson, Morton, Sanderson and Smith.

- 7

And the bill:

H. 47. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

was taken up.

AMENDMENT OFFERED

Representative Curry offered the following amendment to the bill, H. 47:

To amend H. 47 on page 2 by adding after the period on line 16 the following: "However, it is expressly prohibited for any employee who is a spouse or immediate family member of either the mayor or a member of the local governing body to receive the award provided for in this bill."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-75

And the bill:

H. 47. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 55; Nays 6.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Boyd, Carns, Carter, Clouse, Curry, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Jorgensen, Letson, Maull, McAdory, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Rogers (J), Sanderford, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, White and Willis.

-55

Nay:

Representatives Black (M), Dolbare, Gaston, Laird, Morton and Rogers (M).

BUDGET ISOLATION RESOLUTION OFFERED

Representative Hamilton offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 335.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 184, the time to debate the bill, H. 335, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

TOMMY CARTER
Chairman

And the bill, H. 634, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 317, was adopted.

Yeas 71; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (J), Laird,

Layson, Letson, Lindsey, McClammy, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 317. To amend Sections 9-17-105, 9-17-106, and 9-17-110, relating to the Liquefied Petroleum Gas Board to further provide for the permits issued by the board; and for the use of the Liquefied Petroleum Gas Research and Education Fund.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Dukes offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 490.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 184, the time to debate the bill, H. 490, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hill and Knight (A):

H.J.R. 185. COMMEMORATING THE LIFE OF LINDA NOLEN.

WHEREAS, a source of deep sorrow to the Alabama Legislature is the lamentable death of Dr. Linda Nolen, Coordinator of Special Education in Shelby County from July 1979 until her death in August 1995; and

WHEREAS, she received her B. S. degree from Jacksonville State University, and M. A., A. A., and Ph. D. degrees from the University of Alabama in Birmingham; and

WHEREAS, Dr. Nolen was a mentor and role model who worked tirelessly and with unselfish devotion as a teacher with Etowah County Schools, as well as Gadsden and Bessemer City Schools; and

WHEREAS, she also was previously employed with Jacksonville State University and Calera High School, and was held in high esteem for her contributions and strength in bringing harmony and direction to the staff and teachers at the Shelby County Special Services Center; and

WHEREAS, an exemplar of a caring educator who was entirely devoted to the betterment of her profession, Dr. Nolen was an active member of numerous organizations including Delta Kappa Gamma, the Alabama Association of School Administrators, University of Montevallo Speech and Hearing Center, and the Special Education Advisory Board, among others; and

WHEREAS, in recognition of exceptional professional achievements and exemplary work performance, the Shelby County Board of Education voted unanimously to honor Dr. Nolen by renaming the Shelby County Special Services Center, Alabaster, Alabama, The Linda Nolen Learning Center; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with gratitude and praise the lifetime and selfless service of Linda M. Nolen to the special children of her community and state, and her memory will live forever in the hearts and minds of those people who knew her.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to The Linda Nolen Learning Center for appropriate display.

On motion of Representative Hill, the rules were suspended and the resolution, H.J.R. 185, was adopted.

Also:

By Representatives Hill and Knight (A):

H.J.R. 186. APPROVING AND ENDORSING THE NAMING OF THE LINDA NOLEN LEARNING CENTER.

WHEREAS, this legislative body notes with respectful appreciation and admiration the commitment and contributions of Dr. Linda Nolen as the Shelby County Coordinator of Special Education until her death in August of 1995; the services provided by Dr. Nolen to the Shelby County School System, the Alabaster community, and indeed to all citizens of this state are both significant and enduring; and

WHEREAS, we give thanks that a great portion of the notable professional career of Dr. Linda Nolen was pledged to providing in a caring and compassionate manner special educational assistance to the children of Shelby County; indeed, she demonstrated on a continuing and untiring basis her devotion and dedication to these exceptional students; and

WHEREAS, Dr. Linda Nolen's extraordinary managerial skills played an instrumental role in the success of the Shelby County Special Services Center; her unique talents in harmonizing various ideas and interests and her ability to channel the creative energy of her co-workers for the betterment of the children will be a lasting legacy which those who follow must strive to preserve and enhance; and

WHEREAS, this legislative body finds it proper and appropriate that the Shelby County Board of Education has unanimously voted to name the Shelby County Special Services Center in memory of this talented teacher and able administrator, whose earnest efforts and significant successes are brightly reflected on a daily basis by the continuing progress, compelling pride, and constant promise of the exceptional students of this center whom she loved so dearly; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in unqualified consensus, we endorse and approve the naming of The Linda Nolen Learning Center in recognition and tribute to the memory of this remarkable educator.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the family of Dr. Nolen and to the center, so that both may know of our sincere sentiments.

On motion of Representative Hill, the rules were suspended and the resolution, H.J.R. 186, was adopted.

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Also:

By Rules Committee:

H.R. 187. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the 9th legislative day, Tuesday, March 4, 1997, taking precedence over the regular order of business or any pending or unfinished business and continuing on subsequent legislative days until such time as said bills are disposed of:

And the following bills:

Inst Id	Page
H. 345 (By Burke)	45
Community Service Grants, permanent legis. oversight committee estab.	
H. 102 (By Fuller)	73
Children's Hospital, Birmingham, approp.	
H. 401 (By Kennedy)	74
Children's and Women's Hospital in Mobile, Alabama, approp.	
H. 194 (By Fuller)	74
Health Dept., approp.	
H. 196 (By Curry)	75
Emergency Medical Services programs, Dept of Public Health to fund, approp.	
H. 131 (By Kennedy)	75
Sickle Cell Education Program, approp.	
H. 197 (By Fuller)	76
Camp ASCCA, approp.	

H. 195 (By Curry)	76
Birmingham Children's Theatre, approp.	
H. 613 (By Parker T)	77
Children's Hands-On Museum, approp.	
H. 122 (By Curry)	77
United Cerebral Palsy of Alabama, United Cerebral Palsy Dev. Center, United Cerebral Palsy, Huntsville, Mobile; Cerebral Palsy Housing Foundation, Simpson-May Cerebral Palsy Center, approp.	
H. 104 (By Fuller)	78
Space Science Exhibit Commission, approp.	
H. 94 (By Fuller)	81
AIDS Task Force of Alabama, Inc., approp.	
H. 95 (By Fuller)	78
Black Belt Human Resource Development Center, approp.	
H. 125 (By Curry)	85
Epilepsy Foundation of Alabama, approp.	
H. 124 (By Fuller)	86
Exploreum Museum of Discovery, approp.	
H. 127 (By Fuller)	86
East Alabama Child Development Center, approp.	
H. 123 (By Curry)	84
Helen Keller Eye Research Foundation, approp.	
H. 130 (By Curry)	78
Central Alabama Opportunities Industrialization Center, approp.	

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H. 132 (By Fuller)	87
YMCA Youth and Government, approp.	
H. 186 (By Fuller)	1
Metropolitan Arts Council, approp.	
H. 639 (By Haney)	89
Constitution Hall Village, approp.	
H. 192 (By Fuller)	72
Teachers, local bds. of ed. required to pay 100 percent of the st. salary matrix	
H. 111 (By Fuller)	82
Youth Services Dept., approp.	
H. 126 (By Fuller)	85
Educational Resources, Inc., approp.	
H. 425 (By Fuller)	88
Humanities Foundation, approp.	
H. 129 (By Fuller)	87
League for Advancement of Education, approp.	
H. 128 (By Curry)	86
Kate Duncan Smith DAR School, approp.	
H. 110 (By Fuller)	82
Lyman Ward Military Academy, approp.	
H. 109 (By Fuller)	83
Marion Military Institute, approp.	
H. 108 (By Fuller)	83
Talladega College, approp.	

H. 93 (By Fuller)	80
Tuskegee University, approp.	
H. 105 (By Fuller)	84
Rehabilitation Services Dept., approp.	
H. 198 (By Curry)	88
Special Schools, approp.	
H. 119 (By Fuller)	81

Education budget, appropriation for support, maintenance,
and development of public education

On motion of Representative Carter, the resolution, H.R. 187, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Burke, the Budget Isolation Resolution relating to the bill, H. 345, was adopted.

Yeas 73; Nays 6.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderson, Smith, Spratt, Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

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Nay:

Representatives Dolbare, McKee, Mitchell, Petelos, Seibenhener and Sims.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 47. To authorize the mayor of any municipality, subject to budget restraints approved by the governing body, to make cash or non-cash awards in an amount not to exceed \$1,000 to employees of the municipality and to provide a method for selecting employees for exemplary performance or for innovations that significantly reduce costs or result in outstanding improvements in services to the public.

TOMMY CARTER
Chairman

And the bill, H. 47, as engrossed, was ordered sent to the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 46. EXPRESSING OUR CONTINUING BEST WISHES TO KATY STOWE FOR A SPEEDY RECOVERY.

Also:

S.J.R. 47. COMMENDING FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH GENE STALLINGS ON HIS MANY LIFETIME ACHIEVEMENTS.

Also:

S.J.R. 48. NAMING THE VISIONLAND FREEWAY.

Also:

S.J.R. 49. URGING THE SECRETARY OF THE ARMY AND U.S. SENATOR RICHARD SHELBY TO PERMIT CONTINUED CIVILIAN USE OF RIFLE RANGE 25 AT FORT McCLELLAN.

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Also:

S.J.R. 50. CONGRATULATING THE CLAY COUNTY PANTHERS ON THEIR THREE-TIME STATE 2A FOOTBALL CHAMPIONSHIP.

Also:

S.J.R. 51. COMMENDING LILLIE BROWN ON HER COMMITMENT TO THE CAUSE OF CIVIL RIGHTS AND VOTING RIGHTS.

Also:

S.J.R. 52. CREATING A JOINT INTERIM LEGISLATIVE COMMITTEE TO STUDY METHODS OF PRESERVING THE CHILDHOOD HOME OF NAT KING COLE.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 175. URGING CONFIRMATION OF ALEXIS HERMAN AS UNITED STATES SECRETARY OF LABOR

McDOWELL LEE
Secretary

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative McAdory:

H.R. 188. MOURNING THE DEATH OF IDA MAE FLETCHER OF BESSEMER, ALABAMA.

Also:

By Representative Turnham:

H.R. 189. COMMENDING JAMES C. BAILEY, JR., FOR OUTSTANDING SERVICE TO WALLACE STATE COMMUNITY COLLEGE.

Also:

By Representatives Hill and Knight (A):

H.R. 190. COMMEMORATING THE LIFE OF LINDA NOLEN.

Also:

By Representative Guin:

H.R. 191. COMMENDING DR. JOHN L. EDWARDS FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

By Representative Guin:

H.R. 192. COMMENDING THE NURSING STAFF OF ST. VINCENT'S HOSPITAL, BIRMINGHAM, ALABAMA.

Also:

By Representative McAdory:

H.R. 193. COMMENDING REVEREND ALEX WASHINGTON FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

The following resolution was introduced:

By Representatives Hill and Knight (A):

H.R. 194. APPROVING AND ENDORSING THE NAMING OF THE LINDA NOLEN LEARNING CENTER.

The resolution, H.R. 194, was read and referred to the Standing Committee on Rules.

H. 345 TAKEN UP

And the bill:

H. 345. To provide for a permanent Joint Legislative Oversight Committee on Community Services Grants.

was taken up.

AMENDMENT OFFERED

Representative Burke offered the following amendment #1 to the bill, H. 345:

Amend H. 345 on page 3, Section 2, line 4 by adding after the word Trade. the following: three members of the General Membership of the House of Representatives appointed by the Speaker. Three members of the general membership of the Senate appointed by the Lt. Governor.

MOTION TO TABLE LOST

The motion offered by Representative Mitchell to table the amendment #1 offered by Representative Burke to the bill, H. 345, was lost.

Yeas 5; Nays 81.

Yea:

Representatives Drake, McKee, Mitchell, Seibenhener and Starkey.

Nay:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

AMENDMENT ADOPTED

The question was then on the adoption of the amendment #1 offered by Representative Burke to the bill, H. 345, and the amendment #1 was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Sanders:

S.J.R. 57. COMMENDING THE CONSOLATA MISSIONARY SISTERS FOR SELFLESS SERVICE TO OTHERS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 57, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Clay:

S.J.R. 54. COMMENDING AMBER MILLER, MISS ALABAMA AGRICULTURE, AND WELCOMING HER TO THE ALABAMA LEGISLATURE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 54, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced:

By Representative Rogers (J):

H.J.R. 195. MOURNING THE DEATH OF MRS. ALICE GRAY WALLACE.

The resolution, H.J.R. 195, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hawkins:

H.J.R. 196. COMMENDING JUSTIN COCKRELL GARRICK OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

The resolution, H.J.R. 196, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hawkins:

H.J.R. 197. COMMENDING CHARLES EUGENE LEWIS OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

The resolution, H.J.R. 197, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hawkins:

H.J.R. 198. COMMENDING DAVID MCFERRIN WALSH OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

The resolution, H.J.R. 198, was read and referred to the Standing Committee on Rules.

Also:

By Representative Hammett:

H.J.R. 199. DESIGNATING MANUFACTURING WEEK.

The resolution, H.J.R. 199, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Crigler, Gaston, Dean, Mitchell, Clark (W), Buskey, Kennedy, Box, Turner and Pringle:

H.J.R. 200. EXTENDING HEARTIEST CONGRATULATIONS TO MR. AND MRS. CHARLES ROBERT MCDEVITT.

The resolution, H.J.R. 200, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 201. COMMENDING GRAND BAY HIGH SCHOOL ON ITS FIRST-PLACE TEAM AWARD IN THE MOBILE COUNTY SCHOLARS BOWL.

The resolution, H.J.R. 201, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 202. COMMENDING DR. JOHN L. EDWARDS FOR HIS PROFESSIONAL ACHIEVEMENTS.

The resolution, H.J.R. 202, was read and referred to the Standing Committee on Rules.

Also:

By Representative Guin:

H.J.R. 203. COMMENDING THE NURSING STAFF OF ST. VINCENT'S HOSPITAL, BIRMINGHAM, ALABAMA.

The resolution, H.J.R. 203, was read and referred to the Standing Committee on Rules.

H. 345 RESUMED

AMENDMENT OFFERED

Representative Burke offered the following amendment #2 to the bill, H. 345, as amended:

Amend House Bill 345 on page 4, line 7 by deleting the word "resolution" and inserting in lieu thereof the word "act".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry,

Petelos, Pringle, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Armistead and Smitherman:

S.J.R. 59. COMMENDING MISS SUSIE DEMENT OF MONTEVALLO, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 59, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

Also:

H. 19. Relating to Cullman County; to amend Section 4 of Act No. 85-128, 1985 Regular Session, to waive the mailout fee on motor vehicle license tags for motor vehicle owners who are handicapped or disabled or who are 65 years of age or older.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Waggoner (With Notice and Proof):

S. 307. Relating to Jefferson County; to amend Section 3 of Act No. 95-783, H. 808 of the 1995 Regular Session; to repeal the preclusion relating to the distribution of the lodging tax.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 307, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 307. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 308. To allow any Class 3 municipality to remove, demolish, or repair buildings, structures, or portions thereof that are deemed a public nuisance; to allow the municipalities to collect as special assessment and liens against the property the cost of the removal, demolition, or repair of buildings, structures, or portions thereof; and to provide a civil cause of action to allow the municipality to enforce the lien.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 308. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 336. Relating to Class 3 municipalities; providing that certain weeds and grass growing upon streets, sidewalks, and private property and certain other physical conditions may be declared a public nuisance in a Class 3 municipality which is organized pursuant to Chapter 43, Title 11 of the Code of Alabama 1975; establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance and a procedure for assessing costs of the removal against the property, constitute the same as a lien; and providing for the collection of the assessments and the enforcement of the lien.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 336. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Butler:

S. 129. To provide for water authorities to upgrade services, including fire hydrants; and to further provide for any savings as a result of lower insurance rates.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 129. Local Government.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 300. To establish the Alabama Alcoholic Beverage Control Board as the state agency responsible for regulating and enforcing state and federal laws prohibiting the sale of tobacco or tobacco products to minors; to provide permits for the distribution of tobacco or tobacco products; to authorize the Alabama Alcoholic Beverage Control Board to promulgate rules and regulations; and to provide penalties for violations.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 300. State Administration.

MOTION TO ADJOURN LOST

The motion offered by Representative Mitchell that the House adjourn until 9:00 o'clock a.m., Thursday, March 6, 1997, was lost.

H. 345 RESUMED

And the bill:

H. 345. To provide for a permanent Joint Legislative Oversight Committee on Community Services Grants.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representatives Dolbare, Gaines, Hamilton, McKee, Mitchell, Parker (P), Petelos, Seibenhener, Sims and Thomas (D).

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MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Morrison offered the motion to reconsider the vote by which the bill, H. 20, as amended, was passed, and the motion to reconsider was adopted.

And the bill, H. 20, as amended, was again taken up.

MOTION TO RECONSIDER ADOPTED

Having voted on the prevailing side, Representative Wren offered the motion to reconsider the vote by which the amendment offered by him to the bill, H. 20, as amended, was adopted, and the motion to reconsider was adopted.

AMENDMENT TABLED

The question was then on the adoption of the amendment offered by Representative Wren to the bill, H. 20, as amended, and on motion of Representative Wren, the amendment offered by him was tabled.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Black (M), Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, White, Willis and Wren.

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AMENDMENT OFFERED

Representative Morrison offered the following amendment to the bill, H. 20, as amended:

On page 1, line 12, after the word "fire" insert the following: or natural disaster

On page 1, line 14, after the ";," delete the following: and

On page 1, line 15, after the dollar amount "\$450,000" insert the following: (4) to the Montgomery County Board of Education: \$400,000; and (5) to the Elmore County Board of Education: \$300,000

On page 2, line 5, after the word "fire" insert the following: or natural disaster

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On page 2, line 9, delete the word "and"

On page 2, line 10, after ";" insert the following: (4) to the Montgomery County Board of Education: four hundred thousand dollars (\$400,000); and (5) to the Elmore County Board of Education; three hundred thousand dollars (\$300,000);

On page 3, line 4, after the "period" insert the following:

(4) Montgomery County Board of Education.....\$400,000.

(5) Elmore County Board of Education.....\$300,000.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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And the bill:

H. 20. To make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1997 for capital outlay purposes for the replacement of or repairs to schools damaged by fire or natural disaster as follows: (1) To the Cullman County Board of Education: one million five hundred thousand dollars (\$1,500,000); (2) to the Madison County Board of Education: one hundred fifty thousand dollars (\$150,000); (3) to the Tallapoosa County Board of Education: four hundred fifty thousand dollars (\$450,000); (4) to the Montgomery County Board of Education: four hundred thousand dollars (\$400,000); and (5) to the Elmore County Board of Education; three hundred thousand dollars (\$300,000); and to make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1998 to the same

boards of educations for the same purposes in the event the conditional appropriations made by this act for the fiscal year ending September 30, 1997 are not released.

as amended, was again read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 174. SUPPORTING THE ALABAMA WOMEN'S LEADERSHIP CONSORTIUM DESIGNATING MARCH AS WOMEN'S HISTORY MONTH.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 102, was adopted.

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Yeas 84; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Hamilton and Seibenhener.

- 2

And the bill:

H. 102. (With Substitute): To make an appropriation of \$1,450,000 from the Education Trust Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 102, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,200,000 from the State General Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$1,200,000 to the Children's Hospital in Birmingham, Alabama, from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Fuller, the motion offered by Representative Sims to temporarily carry over the bill, H. 102, and the pending substitute reported by the Standing Committee on Ways and Means was tabled.

Yeas 71; Nays 7.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-71

Nay:

Representatives Bandy, Boyd, Laird, Layson, Mitchell, Seibenhener and Sims.

- 7

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 102, and the committee substitute was adopted.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-79

And the bill:

H. 102. To make an appropriation of \$1,200,000 from the State General Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-77

Nay:

Representative Laird.

- 1

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 20. To make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1997 for capital outlay purposes for the replacement of or repairs to schools damaged by fire or natural disaster as follows: (1) To the Cullman County Board of Education: one million five hundred thousand dollars (\$1,500,000); (2) to the Madison County Board of Education: one hundred fifty thousand dollars (\$150,000); (3) to the Tallapoosa County Board of Education: four hundred fifty thousand dollars (\$450,000); (4) to the Montgomery County Board of Education: four hundred thousand dollars (\$400,000); and (5) to the Elmore County Board of Education; three hundred thousand dollars (\$300,000); and to make conditional appropriations from the Education Trust Fund for the fiscal year ending September 30, 1998 to the same boards of educations for the same purposes in the event the conditional appropriations made by this act for the fiscal year ending September 30, 1997 are not released.

TOMMY CARTER
Chairman

And the bill, H. 20, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 345. To provide for a permanent Joint Legislative Oversight Committee on Community Services Grants.

TOMMY CARTER
Chairman

And the bill, H. 345, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 175. URGING CONFIRMATION OF ALEXIS HERMAN AS UNITED STATES SECRETARY OF LABOR

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 174. SUPPORTING THE ALABAMA WOMEN'S LEADERSHIP CONSORTIUM DESIGNATING MARCH AS WOMEN'S HISTORY MONTH.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 401, was adopted.

Yeas 73; Nays 3.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Letson, Lindsey, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Robinson, Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Venable, Warren, White, Willis and Wren.

-73

Nay:

Representatives Laird, Layson and Seibenhener.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

Also:

H. 19. Relating to Cullman County; to amend Section 4 of Act No. 85-128, 1985 Regular Session, to waive the mailout fee on motor vehicle license tags for motor vehicle owners who are handicapped or disabled or who are 65 years of age or older.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 401 RESUMED

And the bill:

H. 401. (With Substitute): To make an appropriation of \$1,182,793 from the Education Trust Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 401, said committee substitute being as follows:

To make an appropriation of \$932,793 from the State General Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 401:

A BILL TO BE ENTITLED AN ACT

To make an appropriation of \$932,793 from the State General Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$932,793 to the Children's and Women's Hospital in Mobile, Alabama, from the Education Trust Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Of the above appropriation to the Children's and Women's Hospital of Mobile in Section 1 of this act, the sum of \$125,000 shall be used for a birth defects monitoring program.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 4. This act shall become effective October 1, 1997, following its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

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Yeas 79; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Layson, Letson, Lindsey, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Turner, Vance, Venable, Warren, White, Willis and Wren.

-79

Nay:

Representative Laird.

- 1

And the bill:

H. 401. To make an appropriation of \$932,793 from the State General Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 82; Nays 4.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-82

Nay:

Representatives Laird, Layson, McKee and Seibenhener.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 194, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Letson, Lindsey, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-82

And the bill:

H. 194. (With Substitute): To make an appropriation to the Department of Public Health from the Education Trust Fund in the amount of \$10,756,144 for the fiscal year ending September 30, 1998, for educational purposes.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 194, said committee substitute being as follows:

To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,006,144 for the fiscal year ending September 30, 1998, for educational purposes.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 194:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,006,144 for the fiscal year ending September 30, 1998, for educational purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health from the State General Fund for the fiscal year ending September 30, 1998, the sum of \$11,006,144 for the following:

- | | | |
|-----|---|-----------|
| (a) | Health Support Services Program | 6,992,539 |
| | The above appropriation shall be expended for the continuation of the programs in Public School Sanitation, licensure and certification, immunization activities at the county level, patient education and child health. | |
| (b) | Personal Health Services Program | 2,978,605 |
| | The above appropriation shall be expended for continuation of the programs for immunization of pre-school children and students, dental health, tuberculosis and nursing services. | |
| (c) | Rural Nurses Training Program | 700,000 |
| | Of the above appropriation \$550,000 shall be expended for the continuation of the Southern Union Community College Rural Nursing Program and \$150,000 shall be expended at Central Alabama Community College. | |
| (d) | Osteoporosis Education Program | 185,000 |
| (e) | HIV Education | 150,000 |

Section 2. The above appropriation is for educational purposes which shall include but not be limited to providing for public school food sanitation, mandated immunization of pre-school children and primary preventive health education.

Section 3. The provisions of this act are severable. If any section, paragraph, sentence, clause, provision, or portion of the act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective on October 1, 1997.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 79; Nays 5.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-79

Nay:

Representatives Clouse, McKee, Seibenhener, Sims and Wren.

- 5

And the bill:

H. 194. To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,006,144 for the fiscal year ending September 30, 1998, for educational purposes.

as amended, was read a third time at length and passed, and ordered engrossed.

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Yeas 77; Nays 1.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

Nay:

Representative Seibenhener.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 196, was adopted.

Yeas 86; Nays 4.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-86

Nay:

Representatives Laird, Layson, McKee and Wren.

- 4

And the bill:

H. 196. (With Substitute): To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the Education Trust Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 196, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the State General Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated to the Department of Public Health for the fiscal year ending September 30, 1998, the sum of \$4,714,831 from the Education Trust Fund to be used as follows:

- (1) For funding Birmingham Regional Medical Services System, \$360,100;
- (2) For funding East Alabama Emergency Medical Services, Inc., \$360,100;
- (3) For funding North Alabama Emergency Medical Services, Inc., \$360,100;
- (4) For funding Southeast Alabama Emergency Medical Services, Inc., \$360,100;
- (5) For funding Southwest Alabama Emergency Medical Services, Inc., \$360,100;
- (6) For funding West Alabama Emergency Medical Services, Inc. \$360,100;
- (7) For funding special scientific studies and data records for emergency medical services providers to evaluate effectiveness of educational programs at all levels, and regional equipment and training grant funds for emergency medical services, \$559,594;
- (8) For improvement in emergency medical services through services offered at the state level, \$215,722;

- (9) For emergency medical services education, \$1,778,915 as provided in Section 3 herein.

Section 2. The amounts appropriated under subsections (1) through (6) of Section 1 shall be used to fund contracted services to permit operation and maintenance of the agencies named and for the purchase of instructional supplies and new instructional equipment by those agencies. The amount appropriated under subsection (7) of Section 1 that is not disbursed for the funding of special scientific studies and data records for emergency medical services providers to evaluate the effectiveness of educational programs at all levels shall be disbursed by contract with the regional agencies named for equipment and training grant funds and shall be placed in segregated accounts to be used exclusively for grants for reimbursement of the cost of equipment, tuition, and expenses for training by emergency medical services providers. Equipment and training grant funds shall be allocated to the agencies named based upon the following formula: 50 percent to be divided equally among the agencies named; 25 percent to be apportioned among the agencies based upon the number of square miles in the geographic area represented by each agency; and 25 percent to be apportioned among the agencies based upon the population of the area represented by each agency according to the latest federal census. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. The Alabama Emergency Medical Services Education Commission (hereinafter referred to as the Commission) shall direct the expenditure of the funds that are appropriated for such purpose by the Legislature by making grants to state junior colleges, state technical colleges, and other public institutions of higher learning for the purposes of providing emergency medical services education. For the fiscal year ending September 30, 1998, the Commission shall direct the expenditure of \$1,778,915 for the purposes of this section. To be eligible for a grant from the Commission, an institution shall be certified by the Alabama Department of Public Health as having an emergency medical services primary education program whose graduates are eligible to be examined for state licensure as emergency medical technicians at the EMT-Basic, EMT-Intermediate, or EMT-Paramedic level or a combination thereof and shall be subject to all conditions that in the view of the Commission are necessary to assure that grant funds are expended for emergency medical services education purposes. The Commission may require financial statements as a condition of grant acceptance.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This act shall become effective on October 1, 1997, after its passage and approval by the Governor, or upon its otherwise becoming a law.

MOTION TO TEMPORARILY CARRY OVER TABLED

On motion of Representative Curry, the motion offered by Representative Sims to temporarily carry over the bill, H. 196, and the pending committee substitute was tabled.

Yeas 82; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable and White.

-82

Nay:

Representatives Laird, Layson, McKee, Seibenhener and Sims.

- 5

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 196, and the committee substitute was adopted.

Yeas 83; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T),

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Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and White.

-83

Nay:

Representatives Hamilton, Laird, Layson, McKee, McMillan, Sims and Willis.

- 7

And the bill:

H. 196. To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the State General Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and White.

-86

Nay:

Representatives Laird, Layson, McKee, McMillan, Seibenhener, Sims and Willis.

- 7

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Kennedy, the Budget Isolation Resolution relating to the bill, H. 131, was adopted.

Yeas 83; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Warren and Willis.

-83

Nay:

Representatives Hamilton, Laird, McKee, Seibenhener and Vance.

- 5

And the bill:

H. 131. (With Substitute) (With Amendment): To make an appropriation of \$1,382,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 131, said committee substitute being as follows:

To make an appropriation of \$1,622,112 from the State General Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 131:

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A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,756,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$1,756,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program to be allocated as follows:

(a)	North Central Alabama Sickle Cell Foundation, Inc. (formerly known as Jefferson County Sickle Cell Detection Committee, Inc.).....	\$290,420
(b)	Sickle Cell Disease Association of Gulf Coast, Alabama.....	\$266,417
(c)	Sickle Cell Foundation of Greater Montgomery, Inc.....	\$169,363
(d)	Southeast Alabama Sickle Cell Association.....	\$189,565
(e)	Tri-County West Central Alabama Sickle Cell Anemia Association, Inc.....	\$126,335
(f)	North Alabama Sickle Cell Program.....	\$178,317
(g)	West Alabama Sickle Cell Program.....	\$84,500
(h)	Children's Hospital of Birmingham.....	\$58,632
(i)	Children's and Women's Hospital - Comprehensive Sickle Cell Center.....	\$253,563
(j)	UAB Comprehensive Sickle Cell Center.....	\$134,000
(k)	Sickle Cell Oversight and Regulatory Commission.....	\$5,000

In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1997.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-82

Nay:

Representative Laird.

- 1

And the bill:

H. 131. To make an appropriation of \$1,756,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 1.

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Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

Nay:

Representative McKee.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 197, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-91

And the bill:

H. 197. (With Substitute): To make an appropriation of \$400,000 from the Education Trust Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 197, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$400,000 from the State General Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$400,000 to Camp ASCCA in Jackson Gap, Alabama, from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

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Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 197. To make an appropriation of \$400,000 from the State General Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 195, was adopted.

Yeas 83; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-83

Nay:

Representative Sims.

- 1

And the bill:

H. 195. (With Substitute): To make an appropriation of \$350,000 from the Education Trust Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 195, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$375,000 from the State General Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$375,000 to the Birmingham Children's Theatre from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 81; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-81

Nay:

Representative McKee.

- 1

And the bill:

H. 195. To make an appropriation of \$375,000 from the State General Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 80; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Curry, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-80

Nay:

Representative McKee.

- 1

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 196. To make an appropriation to the Department of Public Health in the amount of \$4,714,831 from the State General Fund for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1998.

TOMMY CARTER
Chairman

And the bill, H. 196, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 197. To make an appropriation of \$400,000 from the State General Fund for the support and maintenance of Camp ASCCA, in Jackson Gap, Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 197, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 194. To make an appropriation to the Department of Public Health from the State General Fund in the amount of \$11,006,144 for the fiscal year ending September 30, 1998, for educational purposes.

TOMMY CARTER
Chairman

And the bill, H. 194, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 401. To make an appropriation of \$932,793 from the State General Fund to the Children's and Women's Hospital in Mobile, Alabama, for the fiscal year ending September 30, 1998; and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 401, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 102. To make an appropriation of \$1,200,000 from the State General Fund to the Children's Hospital in Birmingham, Alabama, for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 102, as engrossed, was ordered sent to the Senate.

**SPECIAL ORDER CALENDAR RESUMED
BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Parker (T), the Budget Isolation Resolution relating to the bill, H. 613, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton,

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Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-89

And the bill:

H. 613. To make an appropriation of \$150,000 from the State General Fund to the Children's Hands-on Museum for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-86

Nay:

Representative McKee.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 122, was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

And the bill:

H. 122. (With Substitute): To make an appropriation of \$934,000 from the Education Trust Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 122, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,049,579 from the State General Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$1,049,579, from the State General Fund for the support and maintenance of the cerebral palsy education program to be allocated as follows:

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(a)	United Cerebral Palsy of Alabama, Inc.....	\$500,000
(b)	United Cerebral Palsy Development Center for East Central Alabama.....	\$142,000
(c)	Simpson-May Cerebral Palsy Center.....	\$142,000
(d)	Cerebral Palsy Housing Foundation.....	\$50,000
(e)	United Cerebral Palsy of Huntsville and Tennessee Valley, Inc.....	\$40,000
(f)	United Cerebral Palsy of Mobile, Inc.....	\$75,579
(g)	United Cerebral Palsy of West Alabama, Inc.....	\$25,000
(h)	United Cerebral Palsy of Alabama, Inc. for Etowah County.....	\$50,000
(i)	United Cerebral Palsy of Northwest Alabama.....	\$25,000

In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R),

Jorgensen, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

And the bill:

H. 122. To make an appropriation of \$1,049,579 from the State General Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 104, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-88

And the bill:

H. 104. (With Substitute): To make an appropriation of \$381,534 from the Education Trust Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 104, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$381,534 from the State General Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$381,534 to the Space Science Exhibit Commission from the State General Fund for the Special Services Program.

Section 2. The above appropriation is for educational purposes which shall include but shall not be limited to the operation of the Space Camp Program and educating the general public in the various aspects of space exploration through the display of space hardware and other visual exhibits and training in space exploration.

Section 3. The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made.

Section 4. This act shall become effective October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-89

And the bill:

H. 104. To make an appropriation of \$381,534 from the State General Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill,

Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 94, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Cams, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-87

And the bill:

H. 94. (With Substitute): To make an appropriation of \$295,305 from the Education Trust Fund and \$52,500 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 94, said committee substitute being as follows:

JOURNAL OF THE HOUSE, 1997
9th Day

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$347,805 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$347,805 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for educational programs and services to help prevent the spread of AIDS. Funds appropriated herein are for disbursement to the various AIDS prevention community-based organizations in Alabama according to a plan to be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated. In addition, the appropriations made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to the release of any funds appropriated herein, an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance and an operations plan for fiscal year 1997-98 must be developed by the Board of Directors of the AIDS Task Force of Alabama, Incorporated, submitted to and approved by the State Health Department and the HIV Education Advisory Board and then forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. It is the intent of the Legislature that the state Medicaid Commissioner should work with the AIDS Task Force of Alabama, Incorporated, in applying for federal matching dollars for part of the appropriation contained in this act.

Section 4. The HIV Education Advisory Board shall consist of six members as follows: the state health officer or his designee; one assistant state health officer appointed by the state health officer; one physician appointed by the Infectious Disease Society of Alabama who is selected from a list of physicians who routinely treat HIV infection; two representatives appointed by the American Red Cross of which one must be a health educator; and, the Chairperson of the AIDS Task Force of Alabama community-based organization committee.

Section 5. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and White.

-89

And the bill:

H. 94. To make an appropriation of \$347,805 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-93

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 95, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 95. (With Substitute): To make an appropriation of \$47,000 from the Education Trust Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 95, said committee substitute being as follows:

To make an appropriation of \$47,000 from the State General Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 95:

**REGULAR SESSION
9th Day**

747

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$147,000 from the State General Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$147,000 to the Black Belt Human Resource Development Center from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Fuller was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

And the bill:

H. 95. To make an appropriation of \$147,000 from the State General Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-87

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 125, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 125. (With Substitute): To make an appropriation of \$100,000 from the Education Trust Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 125, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$100,000 from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$100,000 to the Epilepsy Foundation of North and Central Alabama from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-86

And the bill:

H. 125. To make an appropriation of \$100,000 from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 124, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-87

And the bill:

H. 124. (With Substitute): To make an appropriation of \$20,000 from the Education Trust Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 124, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$20,000 from the State General Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$20,000 to the Exploreum Museum of Discovery from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-89

And the bill:

H. 124. To make an appropriation of \$20,000 from the State General Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 127, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

And the bill:

H. 127. (With Substitute): To make an appropriation of \$1,180,196 from the Education Trust Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 127, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$1,180,196 from the State General Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$1,180,196 to the East Alabama Child Development Center from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne,

Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-90

And the bill:

H. 127. To make an appropriation of \$1,180,196 from the State General Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-92

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 123, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory,

McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 123. (With Substitute): To make an appropriation of \$307,615 from the Education Trust Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 123, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$307,615 from the State General Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$307,615 to the Helen Keller Eye Research Foundation from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

And the bill:

H. 123. To make an appropriation of \$307,615 from the State General Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 130, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

-75

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 122. To make an appropriation of \$1,049,579 from the State General Fund for the support and maintenance of the cerebral palsy education program for the year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 122, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 195. To make an appropriation of \$375,000 from the State General Fund to the Birmingham Children's Theatre for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 195, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 131. To make an appropriation of \$1,756,112 from the Education Trust Fund for the support and maintenance of the sickle cell education program for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 131, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 104. To make an appropriation of \$381,534 from the State General Fund to the Space Science Exhibit Commission for the fiscal year ending September 30, 1998, for educational purposes.

TOMMY CARTER
Chairman

And the bill, H. 104, as engrossed, was ordered sent to the Senate.

H. 130 TAKEN UP

And the bill:

H. 130. (With Substitute): To make an appropriation of \$106,250 from the Education Trust Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 130, said committee substitute being as follows:

To make an appropriation of \$106,250 from the State General Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Curry offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 130:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$146,250 from the State General Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$146,250 to the Central Alabama Opportunities Industrialization Center from the State General Fund for support and maintenance of said program. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year ending September 30, 1998, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE TO SUBSTITUTE ADOPTED

And the substitute offered by Representative Curry was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-80

And the bill:

H. 130. To make an appropriation of \$146,250 from the State General Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-88

CO-SPONSOR ADDED

Representative Holmes was added as co-sponsor to the bill, H. 130, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 132, was adopted.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-77

And the bill:

H. 132. (With Substitute): To make an appropriation of \$17,681 from the Education Trust Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 132, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$17,681 from the State General Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$17,681 to the Alabama YMCA Youth and Government for use in its legislative and judicial programs from the State General Fund for support and maintenance of said programs. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-83

And the bill:

H. 132. To make an appropriation of \$17,681 from the State General Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Reed, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-84

CO-SPONSOR ADDED

Representative Boyd was added as co-sponsor to the bill, H. 132, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 186, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

-86

And the bill:

H. 186. To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for the fiscal year ending September 30, 1997, and requires an operations plan prior to release of any funds.

was taken up.

SUBSTITUTE OFFERED

Representative Fuller offered the following substitute to the bill, H. 186:

**A BILL
TO BE ENTITLED
AN ACT**

To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for each of the fiscal years ending September 30, 1997 and September 30, 1998, and to require the filing of additional information and an operations plan prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. For the fiscal year ending September 30, 1997, there is hereby appropriated to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham from the State General Fund the sum of \$500,000. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 2. For the fiscal year ending September 30, 1998, there is hereby appropriated to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham from the State General Fund the sum of \$500,000. In addition, the appropriation made herein shall be budgeted and allotted pursuant to the Budget Management Act and Article 4 of Title 41 of the Code of Alabama, 1975, and specifically Section 41-4-93, Section 41-4-95 and Section 41-4-96.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1996-97, and prior to April 1, 1997, the executive director of the Metropolitan Arts Council shall submit for approval to the State Finance Director, the Chairman of the House Ways and Means Committee and the Chairman of the Senate Economic Expansion and Trade Committee the following: (a) a transportation plan that provides an opportunity for Alabama's school children from all sixty-seven

counties to attend the exhibit, and (b) proof of a \$1,000,000 financial commitment from the City of Birmingham or Jefferson County or both. In addition, an operations plan for fiscal year 1996-97 and for fiscal year 1997-98 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1996-97 funds following receipt of this information.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-82

And the bill:

H. 186. To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for each of the fiscal years ending September 30, 1997 and September 30, 1998, and to require the filing of additional information and an operations plan prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham,

Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-91

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 94. To make an appropriation of \$347,805 from the State General Fund to the AIDS Task Force of Alabama, Incorporated, for the fiscal year ending September 30, 1998, for educational programs and services to help prevent the spread of AIDS and to require an operations plan and an audited financial statement.

TOMMY CARTER
Chairman

And the bill, H. 94, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 95. To make an appropriation of \$147,000 from the State General Fund to the Black Belt Human Resource Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 95, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 125. To make an appropriation of \$100,000 from the State General Fund to the Epilepsy Foundation of North and Central Alabama for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 125, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 639, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

RESOLUTION

The following resolution was introduced:

By Representative Hooper:

H.J.R. 204. URGING THE STATE BOARD OF EDUCATION TO ADOPT A PROGRAM OF PREVENTING ABUSIVE RELATIONSHIPS.

The resolution, H.J.R. 204, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Little:

S.J.R. 61. MOURNING THE DEATH OF JAY GIBBS HITCHCOCK OF AUBURN, ALABAMA.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 61, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Poole:

S.J.R. 60. COMMENDING THE TUSCALOOSA CHRISTIAN GIRLS BASKETBALL TEAM ON ITS CHAMPIONSHIP.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 60, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

H. 639 TAKEN UP

And the bill:

H. 639. To make an appropriation of \$500,000 from the State General Fund to the Constitution Hall Village in Huntsville for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

AMENDMENT OFFERED

Representative Hall (A) offered the following amendment to the bill, H. 639:

Amend House Bill 639 on page 2, line 2 after the word "program." by adding the following: "Of this amount, a total of \$100,000 shall be transferred to the Madison County Commission for the Sharon Johnson Park."

MOTION TO TABLE LOST

The motion offered by Representative Haney to table the amendment offered by Representative Hall (A) to the bill, H. 639, was lost.

Yeas 21; Nays 48.

Yea:

Representatives Carns, Crigler, Curry, Dukes, Fuller, Gaines, Haney, Hawkins, Houston, Jorgensen, McClammy, McMillan, Morton, Payne, Penry, Sanderford, Thomas (D), Thomas (J), Townsend, Turnham and Warren.

Nay:

Representatives Bandy, Black (M), Box, Boyd, Burke, Clark (W), Clouse, Dolbare, Drake, Ford, Galliher, Graham, Guin, Hall (A), Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Laird, Letson, Lindsey, McAdory, McKee, Melton, Millican, Mitchell, Moore, Morrison, Morrow,

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Murphree, Newton (D), Page, Papucci, Parker (P), Petelos, Robinson, Rogers (M), Sanderson, Seibenhener, Smith, Starkey, Vance and Wren.

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AMENDMENT ADOPTED

The question was then on the adoption of the amendment offered by Representative Hall (A) to the bill, H. 639, and the amendment was adopted.

Yeas 50; Nays 15.

Yea:

Representatives Bandy, Black (M), Box, Boyd, Burke, Carter, Clark (W), Dean, Dolbare, Drake, Ford, Galliher, Gaston, Graham, Guin, Hall (A), Hayden, Hill, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Laird, Letson, Lindsey, McAdory, McKee, Millican, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Robinson, Rogers (M), Seibenhener, Smith, Starkey, Turner, Turnham, Vance and Willis.

-50

Nay:

Representatives Carns, Crigler, Curry, Dukes, Fuller, Gaines, Haney, Hawk, Hawkins, Hilliard, Morton, Penry, Sanderford, Thomas (D) and Townsend.

-15

And the bill:

H. 639. To make an appropriation of \$500,000 from the State General Fund to the Constitution Hall Village in Huntsville for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 93; Nays 0,

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird,

Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 192, was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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MOTION TO ADJOURN LOST

The motion offered by Representative Payne that the House adjourn until 9:00 o'clock a.m., Thursday, March 6, 1997, was lost.

H. 192 TAKEN UP

And the bill:

H. 192. (With Substitute): To require each county and city board of education to pay to each teacher employed at least 100 percent of the state salary

matrix; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act for the public schools; and to establish an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 192, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To require each county and city board of education to adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1.(a) Any law to the contrary notwithstanding, each county and city board of education shall adopt a local salary schedule which is at least 100 percent of the state salary matrix as established by Sections 16-6B-8 and 16-13-231 of the Code of Alabama 1975. Each teacher employed by the board shall receive at least 100 percent pay for the appropriate salary cell on the state salary matrix for that teacher's level of experience and degree.

(b) The provisions of subsection (a) above shall be phased in over a two year period as specified below.

(1) For the fiscal year beginning October 1, 1997, each local board of education shall adopt a salary schedule that shall pay each teacher employed at least one half of the difference between the board's 1996-97 salary schedule and 100 percent of the appropriate cell of the state salary matrix as determined by the legislature.

(2) For the fiscal year beginning October 1, 1998, and for each fiscal year thereafter, each local board of education shall adopt a salary schedule that shall pay each teacher employed at least 100 percent of the appropriate cell of the state salary matrix as determined by the legislature.

(c) Notwithstanding the provisions of subsection (b) above, for any teacher within three years of retirement, the teacher may make written application to the local superintendent of education of such intent to retire. Such written application shall be made on or before the fifth school day of the 1997-98 school year. Upon

such written application the local superintendent shall recommend and the local board shall approve a salary adjustment such that the applying teacher shall be paid at least 100 percent of the appropriate cell of the state salary matrix for the fiscal year beginning October 1, 1997. Should the teacher fail to retire as provided for in the written application, the teacher shall repay to the local board of education in a timely manner the difference between the salary actually received and the amount the teacher would have received in the 1997-98 fiscal year only had he or she not filed a written application of intent to retire plus interest at the then current prevailing prime interest rate. The local board of education on a case by case basis may waive any or all of the repayment and interest.

(d) For the fiscal year beginning October 1, 1998, and for each fiscal year thereafter, the legislature shall include in the annual appropriation for the Foundation Program an allowance for additional instructional salaries and fringe benefits. Such allowance shall be over and above the amount calculated for instructional salaries by the state salary matrix and shall be not less than 1 percent nor more than 2 percent of the total cost of instructional salaries for the Foundation Program as calculated by the state salary matrix. The allowance shall be distributed to each local board of education in an equitable manner based on the number of Foundation Program units earned. Funds allocated by the legislature for such allowance shall be expended only for classroom salaries and fringe benefits in the academic instructional program.

(e) No teacher, as a result of this act, shall have his or her pay diminished or reduced in any manner.

(f) The state salary matrix amounts shall be determined annually by the legislature in the annual education appropriation act.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R),

Jorgensen, Knight (J), Laird, Letson, Lindsey, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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Nay:

Representatives Dolbare and McAdory.

- 2

AMENDMENT OFFERED

Representative Moore offered the following amendment #1 to the bill, H. 192, as amended:

On page 4, line 5, after the word "rate." delete the next sentence.

AMENDMENT TABLED

On motion of Representative Fuller, the amendment #1 offered by Representative Moore to the bill, H. 192, as amended, was tabled.

Yeas 79; Nays 9.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Lindsey, McClammy, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-79

Nay:

Representatives Allen, Box, Carns, Gaines, McKee, Moore, Sanderson, Thomas (D) and Wren.

- 9

AMENDMENT OFFERED

Representative Moore offered the following amendment #2 to the bill, H. 192, as amended:

On page 3, line 26, after the word "education" delete the words "in a timely manner" and insert in lieu thereof the following: on or before the fifth school day of the 2000-2001 school year

AMENDMENT TABLED

On motion of Representative Dolbare, the amendment #2 offered by Representative Moore to the bill, H. 192, as amended, was tabled.

Yeas 73; Nays 18.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-73

Nay:

Representatives Allen, Carns, Curry, Gaines, Hamilton, McKee, Moore, Newton (C), Parker (T), Payne, Penry, Petelos, Sanderford, Sanderson, Sims, Thomas (D), Townsend and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 124. To make an appropriation of \$20,000 from the State General Fund to the Exploreum Museum of Discovery for the fiscal year ending September 30,

1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 124, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 130. To make an appropriation of \$146,250 from the State General Fund to the Central Alabama Opportunities Industrialization Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 130, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 127. To make an appropriation of \$1,180,196 from the State General Fund to the East Alabama Child Development Center for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 127, as engrossed, was ordered sent to the Senate.

**H. 192 RESUMED
AMENDMENT OFFERED**

Representative Moore offered the following amendment #3 to the bill, H. 192, as amended:

On page 2, line 14, after the word "Program;" add the following: and to make an appropriation for certain funding purposes;

On page 3, line 14, after the language "(c)" insert the following: (1)

On page 4, after line 7, add the following:

(2) There is established a "Matrix Equalization Safety Fund" composed of a one-time appropriation from the Education Trust Fund in the amount of five million dollars (\$5,000,000) for the fiscal year 1997-98, which shall be used solely for the purpose of reimbursing any local board of education for any expenditures for any salary adjustment granted pursuant to this subsection (c). Any amounts not expended for this purpose shall revert to the Education Trust Fund.

AMENDMENT TABLED

On motion of Representative Fuller, the amendment #3 offered by Representative Moore to the bill, H. 192, as amended, was tabled.

Yeas 74; Nays 18.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-74

Nay:

Representatives Box, Carns, Collins, Gaines, Hamilton, Hawkins, McKee, McMillan, Mitchell, Moore, Newton (C), Payne, Sanderford, Seibenhener, Sims, Thomas (D), Townsend and Wren.

-18

And the bill:

H. 192. To require each county and city board of education to adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 111, was adopted.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

And the bill:

H. 111. To make an appropriation of \$35,750,373 from the Education Trust Fund and an appropriation of \$727,670 from Federal and Local Funds to the Department of Youth Services for the fiscal year ending September 30, 1998.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolutions and House Bills mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:57 p.m. on March 4, 1997.

H.J.R. 148

Delivered to the Governor at 4:27 p.m. on March 4, 1997.

H.J.R. 175

H.J.R. 174

H. 18

H. 19

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Robinson, the House adjourned until 9:00 o'clock a.m., Thursday, March 6, 1997.

TENTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, March 6, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Pastor Randy Tanner, County Line Baptist Church, Prattville, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Austin Buettner and Jonathan Easterwood, 8th Grade, Cullman Middle School, Cullman, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the ninth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the ninth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, March 11, 1997, and the motion was adopted.

SPECIAL ORDER CALENDAR CONTINUED

The House then proceeded with the consideration of the Special Order Calendar adopted on the ninth legislative day.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 126, was adopted.

Yeas 49; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Carns, Carter, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hogan, Jorgensen, Letson, Lindsey, McDaniel, McMillan, Moore, Morrison, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Petelos, Pringle, Sanderford, Smith, Thomas (D), Townsend, Turner, Venable, Warren, White, Willis and Wren.

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 123. To make an appropriation of \$307,615 from the State General Fund to the Helen Keller Eye Research Foundation for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 123, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 132. To make an appropriation of \$17,681 from the State General Fund to the Alabama YMCA Youth and Government for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 132, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 192. To require each county and city board of education to adopt a local salary schedule of at least 100 percent of the state salary matrix; to phase in the requirement over a two year period; to provide for an additional supplemental instructional salary component in the Foundation Program; to specify that the state salary matrix amounts shall be determined by the Legislature in the annual education appropriation act; and to establish an effective date.

TOMMY CARTER
Chairman

And the bill, H. 192, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 186. To make an appropriation of \$500,000 from the State General Fund to the Metropolitan Arts Council for America's Smithsonian 150th Anniversary Exhibition in Birmingham for each of the fiscal years ending September 30, 1997 and September 30, 1998, and to require the filing of additional information and an operations plan prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 186, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

**REGULAR SESSION
10th Day**

785

H. 639. To make an appropriation of \$500,000 from the State General Fund to the Constitution Hall Village in Huntsville for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 639, as engrossed, was ordered sent to the Senate.

H. 126 TAKEN UP

And the bill:

H. 126. To make an appropriation of \$50,000 from the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

MOTION TO CARRY OVER TABLED

On motion of Representative Fuller, the motion offered by Representative Moore to carry over the bill, H. 126, to the twelfth legislative day was tabled.

Yeas 63; Nays 11.

Yea:

Mr. Speaker, Baker, Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Curry, Dean, Dukes, Flowers, Ford, Fuller, Galliher, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Laird, Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Perdue, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

-63

Nay:

Representatives Clouse, Dolbare, Gaines, Gipson, Layson, Moore, Rogers (M), Seibenhener, Sims, Thomas (D) and Wren.

-11

And the bill H. 126, was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 70; Nays 3.

Yea:

Mr. Speaker, Baker, Black (L), Boyd, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Dean, Dukes, Ford, Fuller, Gaines, Galliher, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Letson, Lindsey, Maull, McAdory, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

-70

Nay:

Representatives Moore, Parker (P) and Seibenhener.

- 3

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Nay" on passage of the bill, H. 126.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 126, and the following was filed by him:

Per Section 55, Alabama Constitution I wish to have my dissent to H. 126 spread upon the minutes of the House Journal. My dissent is founded on the condition that the Ways and Means Committee is unable to justify the expenditures of the Education Trust Fund to Educational Resources, Inc. for the fiscal year ending September 30, 1998.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 425, was adopted.

REGULAR SESSION
10th Day

787

Yeas 65; Nays 8.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Clark (W), Collins, Crigler, Curry, Drake, Dukes, Ford, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Perdue, Petelos, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Warren, White and Willis.

-65

Nay:

Representatives Dolbare, Laird, Payne, Rogers (M), Sanderson, Sims, Townsend and Wren.

- 8

And the bill:

H. 425. To make an appropriation of \$250,000 from the Education Trust Fund to the Alabama Humanities Foundation for the fiscal year ending September 30, 1998, and to require an audited financial statement and operations plan prior to release of any funds.

was taken up.

MOTION TO CARRY OVER LOST

The motion offered by Representative Moore to carry over the bill, H. 425, to the twelfth legislative day was lost.

Yeas 13; Nays 62.

Yea:

Mr. Speaker, Clouse, Dolbare, Gaines, Laird, McKee, Moore, Payne, Pringle, Sanderson, Seibenhener, Sims and Townsend.

-13

Nay:

Representatives Baker, Bandy, Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Crigler, Curry, Drake, Dukes, Ford, Fuller, Galliher, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Layson, Lindsey, Maull, McAdory, McDaniel, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (J), Vance, Venable, Warren, White and Willis.

-62

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Mitchell intended to vote "Yea" on the motion offered by Representative Moore to carry over the bill, H. 425, to the twelfth legislative day.

AMENDMENT OFFERED

Representative Gipson offered the following amendment #1 to the bill, H. 425:

On page 1, line 8, delete the figure \$250,000 and insert in lieu thereof: \$242,000

On page 1, line 18, delete the figure \$250,000 and insert in lieu thereof: \$242,000

On page 1, line 24, delete the figure \$250,000 and insert in lieu thereof: \$242,000

MOTION TO TABLE LOST

The motion offered by Representative Newton (D) to table the amendment offered by Representative Gipson to the bill, H. 425, was lost.

Yeas 23; Nays 52.

Yea:

Representatives Baker, Black (M), Buskey, Clark (W), Hall (L), Haney, Hilliard, Holmes, Houston, Johnson (E), Knight (J), McAdory, McClammy, Melton, Minnifield, Mitchell, Newton (C), Newton (D), Papucci, Parker (P), Rogers (J), Sanderford and Spratt.

-23

Nay:

Representatives Black (L), Burke, Carns, Carothers, Carter, Clouse, Collins, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hamilton, Hammett, Hawkins, Hayden, Hill, Hinshaw, Hogan, Jackson, Johnson (R), Jorgensen, Laird, Layson, McKee, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Parker (T), Payne, Penry, Petelos, Seibenhener, Sims, Smith, Thomas (D), Townsend, Vance, Venable, Warren, White, Willis and Wren.

-52

MOTION TO TEMPORARILY CARRY OVER OFFERED

In accordance with House Rule 21, Representative Fuller offered the motion to temporarily carry over the bill, H. 425, and the pending amendment offered by Representative Gipson.

MOTION TO TABLE LOST

The motion offered by Representative Gipson to table the motion offered by Representative Fuller to temporarily carry over the bill, H. 425, and the pending amendment offered by Representative Gipson, was lost.

Yeas 36; Nays 37.

Yea:

Representatives Black (L), Carns, Collins, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Hamilton, Hawkins, Hill, Jorgensen, Laird, Layson, McDaniel, McKee, Millican, Minnifield, Moore, Morrow, Morton, Payne, Petelos, Pringle, Reed, Sanderson, Sims, Smith, Thomas (D), Townsend, Turnham, White, Willis and Wren.

-36

Nay:

Representatives Allen, Baker, Black (M), Drake, Ford, Fuller, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), McAdory, McMillan, Melton, Mitchell, Morrison, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Penry, Robinson, Spratt, Starkey, Turner and Venable.

-37

H. 425 TEMPORARILY CARRIED OVER

The question was then on the motion offered by Representative Fuller to temporarily carry over the bill, H. 425, and the pending amendment, and in accordance with House Rule 21, the bill and the pending amendment were temporarily carried over.

Yeas 50; Nays 25.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Boyd, Carns, Carothers, Carter, Dolbare, Drake, Ford, Fuller, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Mauli, McAdory, Melton, Mitchell, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Spratt, Starkey, Turner, Venable, Warren and White.

-50

Nay:

Representatives Collins, Flowers, Gaines, Galliher, Hamilton, Hill, Laird, Layson, McDaniel, McKee, McMillan, Millican, Minnifield, Morrow, Morton, Murphree, Petelos, Sanderford, Sims, Thomas (D), Townsend, Turnham, Vance, Willis and Wren.

-25

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 129, was adopted.

Yeas 64; Nays 6.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Drake, Flowers, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Payne, Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, White and Willis.

-64

Nay:

Representatives Clouse, Laird, Moore, Parker (P), Sanderson and Seibenhener.

- 6

MOTION TO CARRY OVER TABLED

On motion of Representative Fuller, the motion offered by Representative Moore to carry over the bill, H. 129, to the twelfth legislative day was tabled.

Yeas 58; Nays 13.

Yea:

Mr. Speaker, Black (L), Black (M), Boyd, Carothers, Clark (W), Collins, Curry, Drake, Flowers, Fuller, Galliher, Graham, Guin, Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Houston, Jackson, Johnson (R), Jorgensen, Letson, Lindsey, Mauli, McAdory, McDaniel, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Smith, Spratt, Starkey, Thomas (J), Turner, Turnham, Vance, Venable, White and Willis.

-58

Nay:

Representatives Carns, Clouse, Gaines, McKee, McMillan, Mitchell, Moore, Parker (P), Sanderson, Seibenhener, Thomas (D), Townsend and Wren.

-13

And the bill:

H. 129. To make an appropriation of \$129,081 from the Education Trust Fund to the Alabama League for the Advancement of Education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 5.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-79

Nay:

Representatives Mitchell, Moore, Parker (P), Rogers (M) and Seibenhener.

- 5

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 129, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 129 spread upon the minutes of the House Journal. My dissent is founded on the condition/s that follow: that the Ways and Means Committee is unable to justify the exclusion of the Alabama League for the Advancement of Education from the Education Trust Fund and its inclusion in the General Fund. Further, the Ways and Means Committee is unable to justify the increases in selected line-item matters. The agency has not provided explanations associated with increases. There is insufficient information before the legislature.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 128, was adopted.

Yeas 83; Nays 3.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

Nay:

Representatives Parker (P), Seibenhener and Townsend.

- 3

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 112. DESIGNATING THE PINE BURR QUILT AS THE OFFICIAL QUILT OF THE STATE OF ALABAMA.

McDOWELL LEE
Secretary

MOTION TO RECESS OFFERED

Representative Laird offered the motion that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m.

SUBSTITUTE MOTION TO RECESS LOST

The substitute motion offered by Representative Hall (A) that the House recess from 12:00 o'clock Noon until 12:30 o'clock p.m. was lost.

Yeas 5; Nays 75.

Yea:

Representatives Hall (A), Hinshaw, Morrow, Papucci and Robinson.

- 5

Nay:

Representatives Bandy, Black (L), Black (M), Burke, Carns, Carothers, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-75

MOTION TO RECESS ADOPTED

The question was then on the motion offered by Representative Laird that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m., and the motion to recess was adopted.

Yeas 46; Nays 37.

Yea:

Representatives Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dolbare, Gaines, Gaston, Gipson, Guin, Hamilton, Haney, Hayden, Hill, Hogan, Jackson, Johnson (E), Jorgensen, Knight (A), Laird, Layson, Lindsey, McKee, Morrison, Murphree, Newton (C), Papucci, Payne, Perdue, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Thomas (D), Thomas (J), Townsend, Turner, Warren, White and Willis.

-46

Nay:

Representatives Bandy, Burke, Collins, Drake, Dukes, Fuller, Galliher, Graham, Hall (A), Hall (L), Hawk, Hawkins, Hilliard, Hinshaw, Johnson (R), Kennedy, Knight (J), McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Moore, Morrow, Newton (D), Page, Parker (P), Parker (T), Penry, Robinson, Rogers (J), Sanderson, Spratt, Starkey, Vance and Wren.

-37

H. 128 TAKEN UP

And the bill:

H. 128. To make an appropriation of \$45,000 from the Education Trust Fund to the Kate Duncan Smith DAR School for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 84; Nays 5.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and White.

-84

Nay:

Representatives Bandy, Holmes, Mitchell, Newton (D) and Seibenhener.

- 5

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 128, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 128 spread upon the minutes of the House Journal. My dissent is founded on the condition/s that follow: that the ways & means Committee is unable to justify funding a non-public school with public money. The county school system does not have jurisdiction over the operations of the school. Based upon the information provided by the Ways and Means committee, the Kate Duncan Smith DAR School is a private school which has served a noble community service in collaboration with the county school system.

RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER**

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 110, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 109, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 108, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 21, the Budget Isolation Resolution and the bill, H. 93, were temporarily carried over at the request of Representative Fuller.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 105, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 112. DESIGNATING THE PINE BURR QUILT AS THE OFFICIAL QUILT OF THE STATE OF ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 105 TAKEN UP

And the bill:

H. 105. To make an appropriation of \$23,262,924 from the Education Trust Fund, an appropriation of \$2,751,000 from the Driver Impaired Trust Fund, and an appropriation of \$85,463,872 from Federal and Local Funds to the Department of Rehabilitation Services for the fiscal year ending September 30, 1998.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Curry, the Budget Isolation Resolution relating to the bill, H. 198, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-91

And the bill:

H. 198. (With Substitute): To make an appropriation of \$3,548,566 from the Education Trust Fund to the State Board of Education for the support and

maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 198, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make an appropriation of \$4,498,566 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. There is hereby appropriated for the fiscal year ending September 30, 1998, the sum of \$4,498,566 to the State Board of Education from the Education Trust Fund for special programs for special education to be distributed by the State Board of Education for support and maintenance of the programs as follows:

(a)	Butler Activity and Training Center for the Mentally Retarded in Greenville.....	50,000
(b)	Hope Haven School in Colbert County.....	51,201
(c)	Marion Bankhead Grant Center-ARC of Walker County.....	76,000
(d)	Vaughn-Blumberg Center for the Developmentally Disabled.....	69,302
(e)	Alice Pigman School-ARC of Jefferson County.....	168,112
(f)	Merle Wallace Purvis Center.....	71,250
(g)	McGraw Activity Center.....	175,000
(h)	Dallas County Day Care and Training Center-Cahaba Center for Mental Retardation.....	48,226

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(i)	North Talladega County Association for Retarded Citizens, Inc.....	42,151
(j)	South Talladega County Association for Retarded Citizens, Inc.....	42,151
(k)	Vivian B. Adams School.....	272,595
(l)	McInnis School of Montgomery.....	412,309
(m)	Alan Cott School.....	85,253
(n)	Madison County Opportunities Center.....	90,000
(o)	Hope Project, formerly the Madison Park Hope Center.....	72,443
(p)	McKinney Learning Center.....	35,363
(q)	Valley Haven School.....	120,000
(r)	Randolph County Learning Center.....	36,721
(s)	Louise Smith Development Center.....	65,000
(t)	Jackson County ARC Achievement Center.....	65,000
(u)	DeKalb County Association for Retarded Citizens.....	65,000
(v)	Mobile ARC.....	102,000
(w)	Cullman County Center for the Developmentally Disabled.....	165,000
(x)	Blount County ARC.....	40,000
(y)	Clark Smeltzer Training Center of Gadsden.....	33,750
(z)	Morgan County ARC.....	45,000
(aa)	Marshall County ARC.....	35,000
(bb)	Baldwin County ARC.....	35,000
(cc)	Winston/Marion ARC.....	55,000
(dd)	Adam Bishop Center-Jasper.....	35,250

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(ee)	Barbour County ARC.....	35,000
(ff)	Bertie Thornton Center/Limestone County ARC.....	51,000
(gg)	St. Clair County ARC.....	35,000
(hh)	Clarke County ARC.....	35,000
(ii)	East Elmore ARC.....	35,000
(jj)	ARC of Calhoun/Cleburne County.....	90,000
(kk)	ARC of Shelby County.....	35,000
(ll)	EXCEL, Inc.....	40,000
(mm)	Fayette County/Lamar County ARC.....	35,000
(nn)	Sara Dinsmore ARC Training Facility.....	35,000
(oo)	Duke School for Adult Mentally Retarded.....	40,000
(pp)	Montgomery Institute of Neurological Development.....	38,757
(qq)	Achievement Center, Opelika.....	22,500
(rr)	Brierfield Learning Center, Bibb County.....	24,900
(ss)	Calhoun County Community - "EDUCATION PAR EXCELLENCE".....	107,877
(tt)	Epic School, Birmingham.....	41,400
(uu)	ECHO FOUNDATION.....	52,500
(vv)	Cedar Grove Preparatory School Inc.....	61,112
(ww)	Dee Day School-Cherokee County.....	40,000
	Of the \$40,000 appropriated to Dee Day School, the amount of \$12,000 shall be expended at the Cherokee County Education Center for Retarded Citizens.	
(xx)	Jackson-DeKalb County Special School Northeast Alabama State Community College.....	65,000

(yy)	Russellville City School-Multi-Handicapped.....	42,151
(zz)	North Alabama Center for Educational Excellence.....	23,000
(aaa)	Quest for Excellence.....	65,000
(bbb)	Lee Scan of Lee County.....	26,400
(ccc)	Southern Normal School.....	96,892
(ddd)	T & T Daycare of Uniontown.....	35,000
(eee)	Southwest School for Deaf and Blind.....	381,000
(fff)	Wallace Museum.....	115,000
(ggg)	Augusta Evans Special School.....	25,000
(hhh)	Coffee County Board of Education-Project Independence.....	35,000
(iii)	Children's Village.....	40,000
(jjj)	Etowah County/Gadsden ARC.....	35,000

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1997-98, an operations plan including goals and measurable performance indicators for fiscal year 1997-98 and an audited financial statement for all operations during fiscal year 1995-96 must be forwarded to the Director of Finance and to the Legislative Fiscal Office. The performance indicators may include such items as number of clients served by exceptionality, number of client service plans developed, number of clients successfully completing service plan goals, expenditures per client, expenditures per client hour served, faculty/staff per client, and state appropriation per client. It is the intent of the Legislature to release fiscal year 1997-98 funds following receipt of these reports.

Section 3. In making distribution of the above appropriated funds, the State Board of Education shall require quarterly reports of expenditures and of progress toward achieving the goals and performance indicators submitted with the fiscal year 1997-98 operations plan. The State Board of Education shall include in any budget request for the above entities for any subsequent fiscal year actual and projected performance indicators as may be required of state agencies.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 5. This act shall become effective on October 1, 1997.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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AMENDMENT OFFERED

Representative Mitchell offered the following amendment to the bill, H. 198, as amended:

Amend H. 198 on page 5, Line 12, by striking after the word Blind the following: (fff) Wallace Museum

AMENDMENT TABLED

On motion of Representative White, the amendment offered by Representative Mitchell to the bill, H. 198, as amended, was tabled.

Yeas 26; Nays 14.

Yea:

Representatives Boyd, Carns, Carter, Dukes, Gaines, Galliher, Graham, Hall (L), Haney, Hawk, Hawkins, Hill, Hooper, Houston, Jorgensen, Knight (A), Maull, McAdory, McDaniel, Papucci, Sanderson, Smith, Starkey, Vance, Warren and White.

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Nay:

Representatives Buskey, Clark (W), Guin, Hammett, Hilliard, McMillan, Mitchell, Moore, Newton (D), Payne, Seibenhener, Thomas (D), Townsend and Venable.

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PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 198. To make an appropriation of \$4,498,566 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 94; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

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Nay:

Representative Mitchell.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Wren intended to vote "Yea" on passage of the bill, H. 198, as amended.

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 198, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 198 spread upon the minutes of the House Journal. My dissent is founded on the condition/s that follow: that the Wallace Museum is not a special program for special education.

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 18, without the Governor's signature and with a suggested Executive Amendment.

Done this 5th day of March, 1997.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The House of Representatives of Alabama
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 18, without my signature, but with the following suggested Executive Amendments:

EXECUTIVE AMENDMENTS TO HOUSE BILL NUMBER 18:

Please amend on page 1, line 29, after the word mailed." by adding the following language "This fee shall be waived if the owner of the motor vehicle is handicapped or disabled or if the owner of the motor vehicle is 65 years of age or older. The Revenue Commissioner may require reasonable documentation showing that the owner of the motor vehicle is eligible to have the mailout fee waived."

The adoption of the above suggested Executive Amendment will remove my objections to this bill.

Done on this the 5th day of March, 1997.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

On motion of Representative Morrison, the House concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, H. 18, said Governor's amendment being set out in the foregoing Message from the Governor.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Melton,

Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Venable, Warren, White and Willis.

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MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith to you a message from the Governor, returning House Bill No. 19, without the Governor's signature and approval, but with the following veto message.

Done this 5th day of March, 1997.

Respectfully submitted,

WILLIAM P. GRAY
Legal Advisor to the Governor

MESSAGE FROM THE GOVERNOR

To The Alabama House of Representatives
Alabama State House
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the body in which it originated, House Bill No. 19 without my signature.

This bill conflicts with House Bill No. 18, which I have returned to you with a corrective Executive Amendment attached.

For the foregoing reasons, I hereby veto House Bill No. 19. I encourage you to join me in this decision.

Done on this the 5th day of March, 1997.

Respectfully,

FOB JAMES, JR.
Governor

GOVERNOR'S MESSAGE

The House proceeded to reconsider the bill:

H. 19. Relating to Cullman County; to amend Section 4 of Act No. 85-128, 1985 Regular Session, to waive the mailout fee on motor vehicle license tags for motor vehicle owners who are handicapped or disabled or who are 65 years of age or older.

The question was then on the passage of the bill, H. 19, the Governor's veto to the contrary notwithstanding.

On motion of Representative Morrison, the bill, H. 19, was again read at length, and the House refused to pass the bill over the veto of the Governor.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maul, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Warren, White and Willis.

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H. 119 TAKEN UP

And the bill:

H. 119. (With Substitute): To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 119, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

SECTION 1. There is hereby appropriated for the support of public education in Alabama for the fiscal year ending September 30, 1998, for debt service, and for capital outlay to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 and 4 of this Act. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs is shown so as to include estimated sources of funds other than those listed in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ETF" shall mean the Education Trust Fund and "Federal and Local Funds" shall mean all gifts, grants, contributions, or entitlements, including grants by the Congress of the United States, municipalities or counties.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Education Trust Fund, Alabama Peace Officers' Standards and Training Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1998, and the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Code of Alabama 1975, Sections 41-4-80 et seq.), the provisions of The Budget Management Act of 1976 (Code of Alabama 1975, Sections 41-19-1 et seq.), and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Earmarked Funds" and "Appropriation Total" are as set forth for the purpose of establishing amounts estimated to be available by programmatic area from sources other than those listed in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for an efficient use of funds available and are hereby appropriated by the Legislature. Provided, however, that regardless of the ending date of any pay period which has been or may be established by the Legislature for the payment of salaries of state employees, the entire payment due shall be made from the fiscal year's appropriation in which the pay date falls.

Fund Sources Included
In Appropriation Total

ETF	Earmarked Funds	Appropriation Total
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SECTION 3.

STATE AGENCIES:

1. AMERICAN LEGION AND
AUXILIARY SCHOLARSHIPS:

(a) Support of Other Educational Activities Program.....	91,634
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SOURCE OF FUNDS:

(1) ETF.....	91,634
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Total American Legion and Auxiliary Scholarships.....	91,634	91,634
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To be expended under the provisions
of Code of Alabama 1975, Sections
16-31-1 through 16-31-4.

2. ARCHIVES AND HISTORY, DE-
PARTMENT OF:

(a) Historical Education Management Program.....	485,000
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SOURCE OF FUNDS:

(1) ETF.....	485,000
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Total Department of Archives and History.....	485,000	485,000
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3. ARTS, STATE COUNCIL ON THE:

(a) Fine Arts Program.....	4,508,423
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SOURCE OF FUNDS:

(1) ETF.....	4,008,423
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(2) Federal and Local Funds..... 500,000

Total State Council on the Arts..... 4,008,423 500,000 4,508,423

4. BUILDING COMMISSION, STATE:

(a) Special Services Program..... 340,206

SOURCE OF FUNDS:

(1) ETF-Transfer..... 340,206

Total State Building Commission..... 340,206 340,206

5. PENNY TRUST FUND-BUSKEY
MATCHING FUNDS:

(a) Special Services Program,
Estimated..... 55,000

SOURCE OF FUNDS:

(1) ETF-Transfer..... 55,000

Total Penny Trust Fund-Buskey
Matching Funds..... 55,000 55,000

In accordance with Sections
41-15A-10 through 41-15A-12,
Code of Alabama 1975.

6. CHILD ABUSE AND NEGLECT
PREVENTION BOARD:

(a) Social Services Program..... 2,491,230

In accordance with Sections 26-16-1
et seq., Code of Alabama 1975.

SOURCE OF FUNDS:

(1) ETF-Transfer..... 2,491,230

Total Child Abuse and Neglect
Prevention Board..... 2,491,230 2,491,230

7. DEBT SERVICE:

(a) Debt Service Program.....	13,232,222
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For payments on interest and principal
of General Obligation Refunding
Bonds 1992, Series A
and B.....12,208,418

In the event it is determined that funds
should be transferred from the ETF
to the State General Fund for
reimbursement of sales taxes on
automobiles erroneously deposited
into the ETF, the amount of ETF
funds required to be transferred, up
to the amount of the above appro-
priation for debt service on General
Obligation Refunding Bonds 1992,
Series A and B, shall be expended
for such debt service.

For payments on endowments as
follows:

For interest and principal on University
of Montevallo (Alabama College)
Endowment.....409,060

For interest on Auburn University
Endowment.....20,280

For interest on University of Alabama
Endowment.....61,000

For interest on Grove Hill Endow-
ment.....600

For interest on Public School Fund
Endowment:

Interest on 16th Section Lands,
Estimated.....410,000

Interest on School Indemnity Lands,
Estimated.....90,000

Interest on Valueless 16th Section
Lands.....5,825

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Interest on Surplus Revenue.....26,764

Interest on James Wallace Fund....275

Total Interest on Public School Fund
Endowment.....532,864

SOURCE OF FUNDS:

(1) ETF..... 12,699,358

(2) ETF-Transfer..... 532,864

Total Debt Service..... 13,232,222 13,232,222

8. DENTAL SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational
Activities Program..... 121,854

SOURCE OF FUNDS:

(1) ETF..... 121,854

Total Board of Dental Scholarship
Awards..... 121,854 121,854

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-76 through 16-47-81.

9. DRUG EDUCATION AND AWARE-
NESS OVERSIGHT COUNCIL:

(a) Support of Other Educational
Activities Program..... 1,293,253

SOURCE OF FUNDS:

(1) ETF..... 1,293,253

Total Drug Education and Awareness
Oversight Council..... 1,293,253 1,293,253

To be expended under the provisions
of Code of Alabama 1975, Sections
41-25-1 through 41-25-5.

10. EDUCATION, STATE BOARD
OF - K - 12 FOUNDATION
PROGRAM:

(a) Foundation Program.....	2,505,486,657
(b) Transportation Program.....	159,839,661
(c) Board of Adjustment.....	450,000
(d) At-Risk Student Program.....	25,612,500

The above appropriation shall be used to develop programs that address the needs of at-risk students as defined by the State Department of Education. These programs shall provide additional services that increase the amount and quality of instructional time with extended learning time opportunities including but not limited to before and after school programs, summer programs, tutoring programs, weekend programs, and alternative schools. A portion of the appropriation may also be used for training parents and teachers to work with at-risk students and to provide services that meet identified critical needs of at-risk students.

(e) Endowment Interest Program - Public School Fund.....	532,864
(f) Hold Harmless Program - Public School Fund.....	10,941,372
(g) Capital Outlay Program - Public School Fund.....	67,058,628

SOURCE OF FUNDS:

(1) ETF.....	2,478,520,848
(2) Public School Fund.....	78,532,864
(3) Local Funds.....	212,867,970

Total State Board of Education - K-12

Foundation Program..... 2,478,520,848 291,400,834 2,769,921,682

The above appropriation shall be distributed by the State Board of Education in accordance with the provisions of the Code of Alabama 1975, Sections 16-13-230 through 16-13-239, and all other laws and regulations of the State Board of Education relating to the expenditure of such funds. These funds shall be used to provide a minimum school term and for equitable educational opportunities in the public schools of the state. Foundation Program calculations for FY 1997-98 are based on the funding divisors set forth below. Such divisors shall not serve to prescribe pupil-teacher ratios, but it is the intent of the Legislature that class sizes for the 1997-98 academic year be reduced from the class sizes actually experienced in the 1996-97 academic year.

Grades K-3 : 14

Grades 4-6 : 22

Grades 7-8 : 21

Grades 9-12 : 18

In allocating the funds in subsection (a) the State Board of Education shall allot funds based on the rates established as follows: The Foundation Program shall use the following salary matrix to determine the cost of instructional salaries:

<u>Years</u>	<u>BS</u>	<u>MS</u>	<u>6Y</u>	<u>DO</u>	<u>ND</u>
exp < 3	25,882	29,764	32,093	34,423	25,882
3 ≤ exp < 6	28,470	32,740	35,303	37,865	28,470
6 ≤ exp < 9	28,858	33,187	35,784	38,381	28,858
9 ≤ exp < 12	29,246	33,633	36,265	38,898	29,246
12 ≤ exp < 15	29,634	34,080	36,747	39,414	29,634
15 ≤ exp < 18	30,023	34,526	37,228	39,930	30,023
18 ≤ exp < 21	30,411	34,973	37,710	40,447	30,411
21 ≤ exp < 24	30,799	35,419	38,191	40,963	30,799

For "Fringe Benefits" the rate per day for two personal days and five sick days (for units earned in the Foundation Program) shall be \$35. The Teachers' Retirement System rate shall be 9.76% of salaries and the Public Education Employees' Health Insurance Program rate shall be \$200 per month for each full-time employee. In addition to the above appropriation from the Foundation Program for the Public Education Employees' Health Insurance Board, there is hereby appropriated to the Foundation Program for the Public Education Employees' Health Insurance Program from the ETF such additional amount as may be necessary to fully fund health claims plus maintain a 12% reserve in the Public Education Employees' Health Insurance Program Fund based on claims paid in the fiscal year beginning October 1, 1997. At the end of each quarter of the fiscal year beginning October 1, 1997, the Public Education Employees' Health Insurance Program Board shall certify to the State Finance

Director and the Legislative Fiscal Officer the amount of paid claims for that quarter and the Board's best estimate of the amount necessary to pay claims for the remainder of the fiscal year and the amount necessary to maintain a 12% reserve based on such estimate for the fiscal year ending September 30, 1998. By September 15, 1998, the Public Education Employees' Health Insurance Program Board shall certify to the State Finance Director and the Legislative Fiscal Officer the amount of paid claims through August 31, 1998. The State Finance Director shall direct that the additional amount necessary to insure that the Public Education Employees' Health Insurance Program actual claims paid through August 31, 1998 and a reasonable estimate of claims to be paid in September 1998 based on actual paid claims through August are fully paid plus the additional amount necessary for the maintenance of a 12% reserve based on paid claims for fiscal year 1998 shall be transferred from the ETF to the Public Education Employees' Health Insurance Program Fund. Such transfer must be made prior to September 30, 1998.

For "Classroom Instructional Support" the uniform amounts used in determining the Foundation Program allowance for classroom instructional support shall be: (1) classroom materials and supplies at \$500 per unit earned in the Foundation Program; (2) textbooks at \$52.50 per pupil in average daily membership during the first forty scholastic days of the preceding school year; (3) technology at \$100

per unit earned in the Foundation Program; (4) professional development at \$60 per unit earned in the Foundation Program; (5) library enhancement at \$135 per unit earned in the Foundation Program. The library enhancement appropriation shall be for K-12 Public School Library/Media Centers and is an absolute appropriation. Not less than 50% of the above appropriation is to be expended for books. Other expenditures may include book binding, repair, CD ROMs, computer software, computer equipment, cataloging, audio-visual materials, newspapers, magazines, recordings, and video tapes. Notwithstanding the foregoing, the budgeting and expenditure of funds in subsection (a) at the local level shall be determined and made by the local board of education in accordance with rules and regulations of the State Board of Education and all laws governing such school budgets and expenditures.

11. EDUCATION, STATE BOARD
OF - POSTSECONDARY PRISON
EDUCATION:

(a) Operations and Maintenance.....	8,404,029	2,981,555	11,385,584
(b) Restricted Funds.....		2,300,250	2,300,250

SOURCE OF FUNDS:

(1) ETF.....	8,404,029		
(2) Federal and Other Funds.....		5,281,805	
Total State Board of Education - Postsecondary Prison Education.....	8,404,029	5,281,805	13,685,834

The Operations and Maintenance appropriation above to the State Board of Education for Postsecondary Prison Education is to be distributed to colleges

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listed herein on a needs basis as determined by the State Board of Education pursuant to a recommendation by the Chancellor. The allocations required herein shall be distributed among the following colleges: (1) John C. Calhoun State Community College; (2) Jefferson Davis State Community College; (3) Gadsden State Community College; (4) J.F. Ingram State Technical College; (5) Theodore A. Lawson State Community College; and (6) Chauncey Sparks State Technical College.

**12. EDUCATION, STATE BOARD
OF - POSTSECONDARY SKILLS
TRAINING AND EDUCATION:**

(a) Operations and Maintenance.....	23,215,893
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....	23,215,893	
<hr/>		
Total State Board of Education - Postsecondary Skills Training and Education.....	23,215,893	23,215,893
	<hr/>	

**13. EDUCATION, STATE BOARD
OF - TWO-YEAR COLLEGE
SYSTEM:**

(a) Operations and Maintenance.....	186,865,376	96,403,607	283,268,983
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Of the above appropriation for
Operations and Maintenance,
\$300,000 shall be expended for
libraries.

(b) Program Enhancements.....	825,000		825,000
<hr/>			
(c) Coosa Valley Nursing Program at Central Alabama Community College.....	100,693		100,693
<hr/>			
(d) Auxiliary Enterprises.....		20,005,510	20,005,510
<hr/>			
(e) Restricted Funds.....		74,374,750	74,374,750
<hr/>			

SOURCE OF FUNDS:

(1) ETF.....	187,791,069		
<hr/>			
(2) Federal and Other Funds.....		190,783,867	
<hr/>			
Total State Board of Education - Two-Year College System.....	187,791,069	190,783,867	378,574,936
	<hr/>		

(1) Each community, junior and technical college shall receive the same proportionate share from the appropriation for Operations and Maintenance as was received during the 1996-97 fiscal year for Operations and Maintenance and the 4% pay raise. The allocations required herein shall be distributed among the following colleges: (1) Alabama Aviation and Technical College; (2) Alabama Southern Community College; (3) Harry M. Ayers State Technical College; (4) Bessemer State Technical College; (5) Bevill State Community College; (6) S.D. Bishop State Community College; (7) John C. Calhoun State Community College; (8) Central Alabama Community College; (9) Chattahoochee Valley State Community College; (10) J.F. Drake State Technical College; (11) Enterprise State Junior College; (12) Faulkner State Community College; (13) Gadsden State Community College; (14) J.F. Ingram State Technical College; (15) Jefferson Davis State Community College; (16) Jefferson State Community College; (17) Theodore A. Lawson State Community College; (18) Lurleen B. Wallace State Junior College; (19) Douglas MacArthur State Technical College; (20) Northeast Alabama State Community College; (21) Northwest-Shoals Community College; (22) John M. Patterson State Technical College; (23) Ed E. Reid State Technical College; (24) Shelton State Community College; (25) Snead State Community College; (26) Chauncey Sparks State Technical College; (27) Southern Union State Community College; (28) Council Trenholm State Technical College; (29) George C. Wallace State Community College (Dothan); (30) George C. Wallace State Community College (Hanceville); (31) George C. Wallace State Community College (Selma).

(2) It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the Two-Year College System over the fiscal year 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of each two- year college shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

14. EDUCATION, STATE DEPARTMENT OF:

(a) Administrative Services Program....

58,901,177

The proposed spending plan for the ETF monies included in the above program is as follows:

Operations and Maintenance of Department.....20,279,827

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Of the above appropriation, \$12,750 shall be allocated for reimbursement of every state institution of higher learning, college, university, community college, technical college, or junior college in which benefits are given to dependents of blind parents under the provisions of Code of Alabama 1975, Sections 16-33-1 through 16-33-12.

Alabama Young Farmers Education Program.....45,252

To be administered by the Houston County Board of Education.

Alabama Teachers of the Year Program.....25,000

Southern Center for International Studies.....100,000

PALS Program.....25,000

Constitution Village, Citizenship and Character and Leadership Education.....750,000

Alabama Writing Project.....100,000

Alabama Center for Law and Civic Education.....56,000

Project AIM.....10,000

Inspector Detector Program.....25,000

SOURCE OF FUNDS:

(1) ETF..... 21,416,079

(2) Federal and Local Funds..... 37,485,098

Total Administrative Services Program..... 21,416,079 37,485,098 58,901,177

(b) At-Risk Student Program..... 2,387,500

SOURCE OF FUNDS:

(1) ETF.....	<u>2,387,500</u>	
Total At-Risk Student Program.....	<u>2,387,500</u>	<u>2,387,500</u>

The above appropriation is to be used
for providing assistance in serving
at-risk students in the local school
system.

(c) Adult Basic Education Program.....	12,893,502
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SOURCE OF FUNDS:

(1) ETF.....	5,681,315	
(2) Federal and Local Funds.....	<u>7,212,187</u>	
Total Adult Basic Education Program...	<u>5,681,315</u>	<u>7,212,187</u>
		<u>12,893,502</u>

(d) Community Education Program.....	1,156,296
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SOURCE OF FUNDS:

(1) ETF.....	1,031,296	
(2) Federal and Local Funds.....	<u>125,000</u>	
Total Community Education Program...	<u>1,031,296</u>	<u>125,000</u>
		<u>1,156,296</u>

Of the above appropriation to Commu-
nity Education, \$80,000 shall be
expended for the Birmingham City
Community Education Program.

(e) Financial Assistance Program.....	366,438,380
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The proposed spending plan for the
ETF monies included in the above
program is as follows:

Pre-School Program.....2,512,096

Teacher In-service Centers. .2,649,463

The State Board of Education shall administer the In-service Educational Centers and shall monitor said centers for compliance with established accountability standards. The above appropriation is to be made to each in-service center based on the number of Foundation Program teacher units earned in each region as reported by the State Department of Education, Revised Calculations for 1996-97, and the number of teachers employed as reported on the 1996-97 LEA Personnel Report. Each in-service center shall be affiliated with the same region each center served on October 1, 1987. In addition, the appropriation made above shall be distributed to the named in-service centers within five days of each quarterly allotment to the State Department of Education.

SOURCE OF FUNDS:

(1) ETF.....	5,161,559		
(2) Federal and Local Funds.....		361,276,821	
Total Financial Assistance Program.....	5,161,559	361,276,821	366,438,380
(f) Alabama Science in Motion Program.....			3,475,000

SOURCE OF FUNDS:

(1) ETF-Transfer.....	2,475,000		
(2) Educational Technology Fund.....		1,000,000	
Total Alabama Science in Motion Program.....	2,475,000	1,000,000	3,475,000

It is the Legislature's intent that all funds appropriated to this program be expended in accordance with Title 16, Chapters 61B and 61C, Code of Alabama 1975.

(g) Instructional Technical Assistance Program.....	200,000
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The proposed spending plan for the ETF monies included in the above program is as follows:

Teaching Children With Disabilities Administration Program.....	100,000
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National Geographic Grant-Matching Funds.....	50,000
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SOURCE OF FUNDS:

(1) ETF.....	150,000		
(2) Federal and Local Funds.....		50,000	
Total Instructional Technical Assistance Program.....	150,000	50,000	200,000

(h) Disability Determination for Social Security Program.....	34,078,607
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SOURCE OF FUNDS:

(1) Federal and Local Funds.....	34,078,607		
Total Disability Determination for Social Security Program.....	34,078,607	34,078,607	

(i) Multi-System Evaluation Center Program.....	230,000
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SOURCE OF FUNDS:

(1) ETF.....	230,000		
Total Multi-System Evaluation Center Program.....	230,000	230,000	

(j) National Board for Professional Teaching Standards.....	100,000
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Alabama teachers desiring to take the examination shall apply for funding. A panel consisting of the State Superintendent of Education, the Executive Secretary of the Alabama Education Association, and the Deans of the Colleges of Education of Auburn University, Alabama A&M University, Alabama State University, and the University of Alabama (or their designees) shall review and screen the applicants and choose the recipients. The State Superintendent of Education and the Executive Secretary of the Alabama Education Association shall be co-chairs of the panel and shall call the first meeting. The panel shall require recipients to commit to teach in Alabama public K-12 schools for an additional period of five years unless an exception is granted by the panel for good cause.

SOURCE OF FUNDS:

(1) ETF.....	100,000	
Total National Board for Professional Teaching Standards.....	100,000	100,000

TOTAL DEPARTMENT OF
EDUCATION:

SOURCE OF FUNDS:

(1) ETF.....	38,632,749	
(2) Federal and Local Funds.....	441,227,713	

GRAND TOTAL STATE DEPARTMENT OF EDUCATION.....	38,632,749	441,227,713	479,860,462
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15. EDUCATIONAL TELEVISION
COMMISSION:

(a) Educational Television and Public Radio Service Program.....	7,683,639
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Of the above appropriation, \$150,000
shall be allocated for the
"Discovering Alabama" TV series.

(b) Capital Outlay Program.....	127,500
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The above appropriation is for equip-
ment replacement/upgrade
purposes.

SOURCE OF FUNDS:

(1) ETF.....	6,476,389		
(2) Federal and Local Funds.....		1,334,750	
Total Educational Television Commission.....	6,476,389	1,334,750	7,811,139

16. EXAMINERS OF PUBLIC
ACCOUNTS, DEPARTMENT OF:

(a) Educational Audit Services Program.....	1,823,994
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SOURCE OF FUNDS:

(1) ETF.....	1,823,994	
Total Department of Examiners of Public Accounts.....	1,823,994	1,823,994

17. FAMILY PRACTICE RURAL
HEALTH BOARD:

(a) Family Practice Rural Health Program.....	958,540
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SOURCE OF FUNDS:

(1) ETF.....	958,540	
Total Family Practice Rural Health Board.....	958,540	958,540

18. FINANCE, DEPARTMENT OF -
TELECOMMUNICATIONS
DIVISION, TELEPHONE REVOLV-
ING FUND:

(a) Administrative Support Services Program.....	3,458,333
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	3,458,333	
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Total Department of Finance - Telecommunications Division, Telephone Revolving Fund.....	3,458,333	3,458,333
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The Telephone Revolving Fund shall
assess to using agencies and
institutions any additional amount
necessary to provide continuing
non-interrupted service of a
minimum maintenance level.

19. FINE ARTS, ALABAMA SCHOOL
OF:

(a) Fine Arts Program.....	4,739,410
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SOURCE OF FUNDS:

(1) ETF.....	4,044,723	
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(2) Federal and Local Funds.....	694,687	
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Total Alabama School of Fine Arts.....	4,044,723	694,687	4,739,410
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20. FIREFIGHTERS' PERSONNEL
STANDARDS AND EDUCATION
COMMISSION, ALABAMA/
ALABAMA STATE FIRE
COLLEGE-SHELTON STATE
COMMUNITY COLLEGE:

(a) Operations and Maintenance.....	2,836,143	1,707,937	4,544,080
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(b) Auxiliary Enterprises.....		1,102,040	1,102,040
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SOURCE OF FUNDS:

(1) ETF.....	2,836,143		
(2) Federal and Other Funds.....		<u>2,809,977</u>	
Total Alabama Firefighters' Personnel Standards and Education Commission/Alabama State Fire College - Shelton State Community College.....	<u>2,836,143</u>	<u>2,809,977</u>	<u>5,646,120</u>

21. HIGHER EDUCATION, ALABAMA COMMISSION ON:

(a) Planning and Coordination Services Program.....			2,336,808
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The proposed spending plan for the
ETF monies included in the above
program is as follows:

Operations and Maintenance.....	2,336,808
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SOURCE OF FUNDS:

(1) ETF.....	<u>2,336,808</u>	
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Total Planning and Coordination Services Program (Total Operations).....	<u>2,336,808</u>	<u>2,336,808</u>
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In addition to the above appropriation
to ACHE for Operations and
Maintenance, there is hereby
appropriated \$200,000 to be
conditioned upon the availability of
funds in the Education Trust Fund
and the approval of the Governor.

(b) Student Financial Aid Program.....		9,900,707
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The proposed spending plan for the
ETF monies included in the above
program is to be distributed through
ACHE as follows:

(1) Educational Grants Pro- gram.....	6,100,000
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(2) Alabama National Guard Educational Assistance.....	800,000
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To be expended in accordance with
Code of Alabama 1975, Sections
31-10-1 through 31-10-4 and
Sections 31-10-20 through
31-10-25.

(3) Teacher Education Scholarship
Loan Program.....1,300,000

To be expended in accordance with
Code of Alabama 1975, Section
16-23-24. Of the above
appropriation, \$150,000 shall be
expended for instructional equip-
ment.

(4) Chiropractic Scholarships.....37,986

To be expended in accordance with
Code of Alabama 1975, Section
16-5-11.

(5) Policeman's Survivor Tuition, Esti-
mated.....60,000

To be expended under the provisions
of Code of Alabama 1975, Section
36-21-105.

(6) Alabama Student Assistance Pro-
gram.....1,547,471

SOURCE OF FUNDS:

(1) ETF.....	8,545,457		
(2) ETF-Transfer.....	1,300,000		
(3) Federal and Local Funds.....		55,250	
Total Student Financial Aid Program....	9,845,457	55,250	9,900,707
(c) Support of Other Educational Activities Program.....			2,908,792

The proposed spending plan for the
ETF monies included in the above
program is to be distributed through
ACHE as follows:

- (1) Network of Alabama Academic Libraries (NAAL).....400,000

It is the intent of the Legislature that ACHE shall provide for the participation of Athens State College in the Network of Alabama Academic Libraries.

- (2) Southern Regional Education Board (SREB).....584,650

- (3) EPSCoR-National Science Foundation Program.....600,000

- (4) Computer-Based Articulation System.....446,461

To fund Troy State University for developing and operating a state-wide computer-based articulation system to serve all four-year and two-year postsecondary institutions in the State of Alabama.

- (5) Governor's Commission on Historically Black Colleges and Universities.....100,000

To be expended pursuant to Executive Order No. 21.

SOURCE OF FUNDS:

(1) ETF.....	2,131,111		
(2) Federal and Local Funds.....		777,681	
Total Support of Other Educational Activities Program.....	2,131,111	777,681	2,908,792
(d) Alabama Guaranteed Student Loan Program.....			2,278,884

SOURCE OF FUNDS:

(1) Federal and Local Funds.....		2,278,884	
Total Alabama Guaranteed Student Loan Program.....		2,278,884	2,278,884

TOTAL ALABAMA COMMISSION ON
HIGHER EDUCATION:

SOURCE OF FUNDS:

(1) ETF.....	14,313,376		
(2) Federal and Local Funds.....		3,111,815	
GRAND TOTAL ALABAMA COMMISSION ON HIGHER EDUCATION.....	14,313,376	3,111,815	17,425,191

22. HUMAN RESOURCES, DEPART-
MENT OF:

(a) Jobs Opportunities and Basic Skills Training (JOBS) Program.....	4,134,058
(b) JOBS Child Care and After School Child Care Program.....	3,731,195

SOURCE OF FUNDS:

(1) ETF-Transfer.....	7,865,253	
Total Department of Human Resources.....	7,865,253	7,865,253

Of the total state and federal dollars received by the Department of Human Resources for the JOBS program, at least \$600,000 shall be used to contract with the Department of Education-Adult Basic Education Program for educational services to JOBS participants and \$25,000 shall be allocated for the Essie Floyd Day Care Center. In addition to the above appropriation to the Department of Human Resources, there is hereby appropriated \$10 million from the Education Trust Fund for child care services for families transitioning off welfare and low income working families to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor.

23. INDUSTRIAL DEVELOPMENT
TRAINING INSTITUTE, ALABAMA:

(a) Operations and Maintenance Program.....	2,047,697	2,047,697
(b) Industrial Development and Training Program.....	12,476,273	<u>12,476,273</u>

SOURCE OF FUNDS:

(1) ETF.....	<u>14,523,970</u>	
Total Alabama Industrial Development Training Institute.....	<u>14,523,970</u>	<u>14,523,970</u>

Of the above appropriation to the Alabama Industrial Development Training Institute, \$5,000,000 shall be expended for automotive industry training; \$350,000 shall be transferred to the University of Alabama in Huntsville for an Advanced Technology Transfer Program; \$550,000 shall be expended to fund the operations of the Michelin Training Center; \$550,000 shall be expended for Training for Business and Industry at Shelton State Community College; \$350,000 shall be expended for the Minority Technology and Entrepreneurial Center at Bishop State Community College; \$300,000 shall be expended for the Job Retraining/Economic Development Cooperative related to Military Base Closure in Calhoun County; \$500,000 shall be expended for retraining programs for Gulf States Steel Corporation and for Goodyear Tire Company to be conducted by Gadsden State Community College; \$550,000 shall be expended by Jefferson State Community College for the International Standardization Organization (ISO 9000 program); and \$300,000 shall be expended for the Science Center for Excellence in Aqua-agriculture at Faulkner State Community College/Fairhope.

24. LAW INSTITUTE, ALABAMA:

(a) Support of Other Educational Activities Program.....	51,000
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SOURCE OF FUNDS:

(1) ETF.....	<u>51,000</u>	
Total Alabama Law Institute.....	<u>51,000</u>	<u>51,000</u>

25. JOINT LEGISLATIVE OVER-SIGHT COMMITTEE ON COMMUNITY SERVICES GRANTS:

(a) Community Services Grants Program.....	5,000,000
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SOURCE OF FUNDS:

(1) ETF.....	<u>5,000,000</u>	
Total Joint Legislative Oversight Committee on Community Services Grants.....	<u>5,000,000</u>	<u>5,000,000</u>

To be expended pursuant to House Bill 345 of the 1997 Regular Session. The Community Services Grants provided for in this appropriation shall be used only for the benefit of K-12 public schools and shall be reviewed by the State Superintendent of Education prior to approval by the Committee.

26. LIBRARY SERVICE, ALABAMA PUBLIC:

(a) Public Library Service Program.....	9,981,148
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SOURCE OF FUNDS:

(1) ETF.....	<u>8,481,148</u>	
(2) Federal and Local Funds.....	<u>1,500,000</u>	
Total Alabama Public Library Service...	<u>8,481,148</u>	<u>1,500,000</u>
		<u>9,981,148</u>

Of the above appropriation, a minimum
of \$5,749,347 is to be distributed to
the public libraries within the state.

27. MARINE ENVIRONMENTAL SCIENCES CONSORTIUM:

(a) Support of Other Educational Activities Program.....	3,639,238
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SOURCE OF FUNDS:

(1) ETF.....	2,738,351		
(2) Federal and Other Funds.....		900,887	
Total Marine Environmental Sciences Consortium.....	2,738,351	900,887	3,639,238

28. MATHEMATICS AND SCIENCE, ALABAMA SCHOOL OF:

(a) Mathematics and Science Program.....	5,531,119
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SOURCE OF FUNDS:

(1) ETF.....	5,416,619		
(2) Federal and Local Funds.....		114,500	
Total Alabama School of Mathematics and Science.....	5,416,619	114,500	5,531,119

29. MEDICAL SCHOLARSHIP AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	1,216,641
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SOURCE OF FUNDS:

(1) ETF.....	468,721		
(2) Federal and Local Funds.....		747,920	
Total Board of Medical Scholarship Awards.....	468,721	747,920	1,216,641

To be expended under the provisions
of Code of Alabama 1975, Sections
16-47-121 through 16-47-129.

30. MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT
OF:

(a) Mental Illness Program.....	9,138,737
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Of the above appropriation, \$300,000
shall be expended for Alzheimer's
Disease Education and Training.

(b) Mental Retardation Program.....	5,718,959
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(c) Substance Abuse Program.....	814,979
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	15,672,675	
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Total Department of Mental Health and Mental Retardation.....	15,672,675	15,672,675
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31. MONTGOMERY INTERNAL
MEDICINE RESIDENCY
PROGRAM:

(a) Support of Other Educational Activities Program.....	191,000
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SOURCE OF FUNDS:

(1) ETF.....	191,000	
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Total Montgomery Internal Medicine Residency Program.....	191,000	191,000
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The above appropriation to the
Montgomery Internal Medicine
Residency Program from the ETF
shall be in addition to the funds
received by said program from the
University of Alabama at
Birmingham (UAB), and the funds
allocated to the Montgomery
Internal Medicine Residency
Program from UAB shall not be
diminished from the amount
allocated in fiscal year 1996-97.

32. MUSIC HALL OF FAME,
ALABAMA:

(a) Support of Other Educational Activities Program.....	145,800
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SOURCE OF FUNDS:

(1) ETF.....	145,800	
Total Alabama Music Hall of Fame.....	145,800	145,800

The above appropriation to the Alabama Music Hall of Fame is conditioned upon the submission of an operations plan prior to October 1, 1997 to the local legislative delegation.

33. NURSING, ALABAMA BOARD
OF:

(a) Professional and Occupational Licensing and Regulation Program.....	57,000
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	57,000
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As provided in Code of Alabama 1975, Sections 34-21-60 through 34-21-63 for Graduate Nursing Scholarships.

Total Alabama Board of Nursing.....	57,000	57,000
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34. OPTOMETRIC SCHOLARSHIP
AWARDS, BOARD OF:

(a) Support of Other Educational Activities Program.....	103,160
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SOURCE OF FUNDS:

(1) ETF.....	103,160
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Total Board of Optometric Scholarship Awards.....	103,160	103,160
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To be expended under the provisions
of the Code of Alabama 1975,
Sections 34-22-60 through
34-22-65.

35. PEACE OFFICERS' STANDARDS
AND TRAINING COMMISSION,
ALABAMA:

(a) Professional and Occupational Licensing and Regulation Program.....	405,136
(b) Certified Law Enforcement Acade- my Program.....	1,062,900

Of the above appropriation for the
Certified Law Enforcement Acade-
my Program, the \$612,900 of ETF
monies included therein shall be
expended as follows:

Northeast Police Academy.....	159,354
University of Alabama.....	159,354
Southwest Police Academy.....	159,354
Alabama Police Academy.....	85,806
Montgomery Police Academy....	<u>49,032</u>
Total.....	612,900

SOURCE OF FUNDS:

(1) ETF.....	1,018,036		
(2) Alabama Peace Officers' Standards and Training Fund-as provided in Code of Alabama 1975, Sections 36-21-40 through 36-21-51.....		<u>450,000</u>	
Total Alabama Peace Officers' Standards and Training Commission.....	<u>1,018,036</u>	<u>450,000</u>	<u>1,468,036</u>

36. POSTSECONDARY EDUCATION
DEPARTMENT:

(a) Postsecondary Two-Year Institutions Program.....	1,787,572
(b) Industrial Scholarships Program.....	50,000

SOURCE OF FUNDS:

(1) ETF.....	1,409,106		
(2) Federal and Local Funds.....		428,466	
Total Postsecondary Education Department.....	1,409,106	428,466	1,837,572

37. SOIL AND WATER CONSERVA-
TION COMMITTEE, STATE:

(a) Soil Conservation Program.....	21,250
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SOURCE OF FUNDS:

(1) ETF.....	21,250		
Total State Soil and Water Conserva- tion Committee.....	21,250		21,250

38. SPORTS HALL OF FAME,
ALABAMA:

(a) Scholarship Program.....	200,000
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SOURCE OF FUNDS:

(1) ETF.....	200,000		
Total Alabama Sports Hall of Fame.....	200,000		200,000

39. SUPERCOMPUTER AUTHORITY,
ALABAMA:

(a) Administrative Support Services Program.....	6,092,577
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The above appropriation is to be
expended in accordance with
Sections 41-10-390 through
41-10-406, Code of Alabama 1975.

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SOURCE OF FUNDS:

(1) ETF-Transfer.....	5,300,000		
(2) Supercomputer Revolving Fund, Estimated.....		792,577	
Total Alabama Supercomputer Authority.....	5,300,000	792,577	6,092,577

40. TENURE COMMISSION, STATE:

(a) Regulation Program.....	15,000
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SOURCE OF FUNDS:

(1) ETF.....	15,000	
Total State Tenure Commission.....	15,000	15,000

41. VETERANS' AFFAIRS, DEPART-
MENT OF:

(a) Administration of Veterans' Affairs Program.....	6,038,544
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SOURCE OF FUNDS:

(1) ETF-Transfer.....	6,038,544	
Total Department of Veterans' Affairs.....	6,038,544	6,038,544

The above appropriation is for Veterans' Education Benefits and includes pro rata administration costs of the Department of Veterans' Affairs and for the reimbursement to every state institution of higher learning, college, university, community college, junior college, or technical college in which benefits are given to veterans, their spouses, widows, or children under the provisions of Code of Alabama 1975, Sections 31-6-1 through 31-6-17.

42. YOUTH SERVICES, DEPARTMENT OF:

(a) Financial Assistance Program..... 7,177,103

The above appropriation for Financial Assistance Program includes \$6,542,843 of ETF monies. The above appropriation shall be expended by the Youth Services Department District in a manner consistent with the funding formula cooperatively established by the Youth Services Board and the State Board of Education pursuant to the provisions of Code of Alabama 1975, Sections 44-1-70 through 44-1-77.

(b) Community Educational Programs..... 1,202,000

The above appropriation shall be allocated as follows: C.I.T.Y. Program-Chilton County-\$302,000; C.I.T.Y. Program-Houston County-\$350,000; C.I.T.Y. Program-Selma/Dallas County-\$350,000; COARMM-\$100,000; and C.I.T.Y. Program-Decatur and Morgan County-\$100,000.

SOURCE OF FUNDS:

(1) ETF.....	7,744,843		
(2) Federal and Local Funds.....		634,260	
Total Department of Youth Services.....	7,744,843	634,260	8,379,103

SECTION 4.

COLLEGES, UNIVERSITIES AND SCHOOLS:

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA:

(a) Operations and Maintenance and Program Support for the University of Alabama at Tuscaloosa.....	103,855,116	57,507,025	161,362,141
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The above amounts distributed to the President of the University of Alabama for operations and maintenance funding shall include support for such entities as Industrial Management and Manufacturing Technology and Magnetic Information Technology Programs; Center for Emotionally Disturbed Children; Nursing Scholarships; Advocacy Program for the Developmentally Disabled; Capstone Medical Center; Sports Medicine; Alabama Museum of Natural History; College of Community Health Sciences; University Research Library; Research, Extension and Public Service; School of Mines and Energy Development; Computer Research and Development; Rural Infant Stimulation Environment Program; High Risk Nursery; Safe State Program; Tannehill Learning Center; \$100,000 shall be expended on programs for rural services and rural scholarships. It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of Alabama at Tuscaloosa over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of Alabama at Tuscaloosa shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means,

the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

(b) Operations and Maintenance and Program Support for the University of Alabama at Birmingham.....	180,675,867	604,517,490	785,193,357
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The above amounts distributed to the President of the University of Alabama at Birmingham for operations and maintenance funding shall include support for such entities as University College; Family Practice Residency Programs at Anniston, East End, Jefferson County, Montgomery, Selma and Gadsden; School of Medicine; University Hospitals; School of Optometry; School of Community and Allied Health; Regional Technical Institute; Joint Health Sciences; Educational Finance Initiative; Department of Pediatrics and Children's Hospital; Center for Labor Education and Research; Student Nurses Loans; Center for Diabetes Research; Urban Research and Public Service; School of Dentistry; System Medical Education Program; School of Nursing; Health Related Research and Public Service; Public Health Research Program; Medical Genetics Program; Nursing Scholarships; Program Enhancement/Minority Recruitment; Minority Faculty Development Program; Science, Engineering and Education Program; Molecular Genetic and Biotechnology Program; Hypertension Research; Multipurpose Arthritis Center; School of Engineering and Business Telecommunications Research

Center; School of Public Health; Montgomery Internal Medicine Residency; Center for Advancement of Developing Industries; Center for Cystic Fibrosis Research; Center for Congenital Heart Disease; Biomedical Engineering Sciences; Center for Nuclear Magnetic Resonance Studies; Dental/Medical Research; Medical Grants; Virology Research; Neuro-Science Research; Geriatric Service and Research Program; Internal Medicine Development; Sudden Death Research; Research Center for Biomedical Engineering Sciences; Parkinson's Disease-Medical Research; Walker Community College; at least \$500,000 shall be allocated for the Minority Business Training-Economic Development; National Biomedical Tracer Center; \$50,000 for the Neonatal Services Program; \$50,000 for the FACES Program. It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of Alabama at Birmingham over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of Alabama at Birmingham shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finances and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

(c) Operations and Maintenance and Program Support for the University of Alabama in Huntsville.....	34,831,360	21,538,994	56,370,354
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The above amounts distributed to the President of the University of Alabama in Huntsville for operations and maintenance funding shall include support for the following entities: Kenneth E. Johnson Research Center; Space Initiative; Alabama Solar Energy Center; Center for High Technology Management and Economic Research; Research Institute; Developmental Computer Education; Center for Applied Optics; Nursing Scholarships; Center for Microgravity Science; Center for Robotics; at least \$250,000 shall be allocated for the UAH/NASA Global Hydrology and Climate Center. It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of Alabama in Huntsville over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of Alabama in Huntsville shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finances and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

REGULAR SESSION
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(d) Special Mental Health and Chauncey Sparks Center for Developmental and Learning Disorders, University of Alabama at Birmingham.....	4,398,696	4,398,696
(e) Alabama SchoolFest Program, University of Alabama.....	820,458	820,458
(f) Alabama Technology Network Program, University of Alabama.....	1,750,000	1,750,000

The above appropriation to the Bevill
Center for Advanced Environmental
Technology is conditioned upon the
submission of an operations plan
prior to October 1, 1997 to the local
legislative delegation.

(g) Alabama Technology Network Program, Minority Technology Networks.....	850,000	850,000
(h) Auxiliary Enterprises.....	75,602,598	75,602,598
(i) Restricted Funds.....	<u>245,287,252</u>	<u>245,287,252</u>

SOURCE OF FUNDS:

(1) ETF.....	327,181,497	
(2) Federal and Other Funds.....	<u>1,004,453,359</u>	

Total Board of Trustees of University of Alabama.....	<u>327,181,497</u>	<u>1,004,453,359</u>	<u>1,331,634,856</u>
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II. BOARD OF TRUSTEES OF
ALABAMA A&M UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	23,264,896	15,063,934	38,328,830
(b) Title VI Program Enhancement.....	570,416		570,416

The proposed spending plan for the
above Title VI Program Enhance-
ment appropriation is as follows:

Consultants/Faculty.....	184,420		
Instructional Support.....	385,996		
(c) Desegregation Planning.....	184,906		184,906
(d) Urban Affairs and New Non-Traditional Land Grant Programs.....	1,331,000		1,331,000
(e) Agricultural Research Station Fixed Costs.....	300,000		300,000
(f) Cooperative Extension, Research and Service.....	924,528		924,528
The above appropriation in (b) through (f) from the ETF is to be released and used as restricted by and in compliance with Knight v. Alabama, 900 F Supp 272.			
(g) Auxiliary Enterprises.....	5,987,221		5,987,221
(h) Restricted Funds.....	19,118,834		19,118,834
SOURCE OF FUNDS:			
(1) ETF.....	26,575,746		
(2) Federal and Other Funds.....	40,169,989		
Total Board of Trustees of Alabama A&M University.....	26,575,746	40,169,989	66,745,735

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to Alabama A&M University over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of Alabama A&M University shall certify that the increased funds from the Education Trust

Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

III. BOARD OF TRUSTEES OF
ALABAMA STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	23,841,505	18,790,735	42,632,240
(b) Title VI Program Enhancement.....	1,657,477		1,657,477

The proposed spending plan for the above Title VI Program Enhancement appropriation is as follows:

Consultants/Faculty.....	462,264		
Instructional Support.....	1,195,213		
(c) Desegregation Planning.....	184,906		184,906

The above appropriation in (b) through (c) from the ETF is to be released and used as restricted by and in compliance with Knight v. Alabama, 900 F Supp 272.

(d) Auxiliary Enterprises.....		9,945,702	9,945,702
(e) Restricted Funds.....		12,394,491	12,394,491

SOURCE OF FUNDS:

(1) ETF.....	25,683,888		
(2) Federal and Other Funds.....		41,130,928	
Total Board of Trustees of Alabama State University.....	25,683,888	41,130,928	66,814,816

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to Alabama State University over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of Alabama State University shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

IV. STATE BOARD OF EDUCATION -
ATHENS STATE COLLEGE:

(a) Operations and Maintenance and Program Support.....	7,345,842	4,880,317	12,226,159
(b) Auxiliary Enterprises.....		698,731	698,731
(c) Restricted Funds.....		1,260,656	1,260,656

SOURCE OF FUNDS:

(1) ETF.....	7,345,842		
(2) Federal and Other Funds.....		6,839,704	
Total State Board of Education-Athens State College.....	7,345,842	6,839,704	14,185,546

In addition to the above appropriation to Athens State College, there is hereby appropriated \$1,000,000 from the Education Trust Fund to be conditioned upon the availability of funds in the Education Trust

Fund and the approval of the Governor. This appropriation shall be the first priority conditional released by the Governor and shall be released in full prior to the release of any other conditionals in fiscal year 1998. It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to Athens State College over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of Athens State College shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

V. BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	175,700,246	110,761,208	286,461,454
(b) Alabama Technology Network Program, Auburn University.....	1,750,000		1,750,000
(c) Auxiliary Enterprises.....		53,525,666	53,525,666
(d) Restricted Funds.....		68,596,863	68,596,863

SOURCE OF FUNDS:

(1) ETF.....	177,450,246		
(2) Federal and Other Funds.....		232,883,737	
Total Board of Trustees of Auburn University.....	177,450,246	232,883,737	410,333,983

In addition to the above appropriation to Auburn University, there is hereby appropriated \$1,000,000 to the Veterinarian School at Auburn University to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor.

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to Auburn University over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of Auburn University shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

(a) Operations and Maintenance and Program Support.....	24,821,030	16,971,000	41,792,030
(b) Auxiliary Enterprises.....		3,668,450	3,668,450
(c) Restricted Funds.....		19,115,854	19,115,854

SOURCE OF FUNDS:

(1) ETF.....	24,821,030		
(2) Federal and Other Funds.....		39,755,304	
Total Board of Trustees of Jacksonville State University.....	24,821,030	39,755,304	64,576,334

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to Jacksonville State University over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of Jacksonville State University shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

VII. BOARD OF TRUSTEES OF
UNIVERSITY OF MONTEVALLO:

(a) Operations and Maintenance and Program Support.....	13,052,813	8,871,054	21,923,867
(b) Auxiliary Enterprises.....		4,800,758	4,800,758
(c) Restricted Funds.....		2,249,888	2,249,888

SOURCE OF FUNDS:

(1) ETF.....	13,052,813		
(2) Federal and Other Funds.....		15,921,700	
Total Board of Trustees of University of Montevallo.....	13,052,813	15,921,700	28,974,513

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of Montevallo over the FY 1997 appropriation shall be expended solely for the enhancement of

viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of Montevallo shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

VIII. BOARD OF TRUSTEES OF
UNIVERSITY OF NORTH
ALABAMA:

(a) Operations and Maintenance and Program Support.....	18,737,383	12,970,788	31,708,171
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Of the above appropriation, \$350,000
shall be expended at the Kilby
School.

(b) Auxiliary Enterprises.....		3,125,169	3,125,169
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(c) Restricted Funds.....		1,208,439	1,208,439
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SOURCE OF FUNDS:

(1) ETF.....	18,737,383		
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(2) Federal and Other Funds.....		17,304,396	
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Total Board of Trustees of University of North Alabama.....	18,737,383	17,304,396	36,041,779
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In addition to the above appropriation
to the University of North Alabama,
there is hereby appropriated
\$760,000 from the Education Trust
Fund to be conditioned upon the
availability of funds in the Education
Trust Fund and the approval of the
Governor.

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of North Alabama over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of North Alabama shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

IX. BOARD OF TRUSTEES OF
UNIVERSITY OF SOUTH
ALABAMA:

(a) Operations and Maintenance and Program Support.....	69,818,975	214,137,357	283,956,332
(b) Auxiliary Enterprises.....		12,442,614	12,442,614
(c) Restricted Funds.....		22,200,000	22,200,000

SOURCE OF FUNDS:

(1) ETF.....	69,818,975		
(2) Federal and Other Funds.....		248,779,971	
Total Board of Trustees of University of South Alabama.....	69,818,975	248,779,971	318,598,946

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of South Alabama over the FY 1997 appro-

priation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of South Alabama shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

X. BOARD OF TRUSTEES OF TROY STATE UNIVERSITY

(a) Operations and Maintenance and Program Support for Troy State University.....	19,420,046	38,051,944	57,471,990
(b) Operations and Maintenance and Program Support for Troy State University at Dothan.....	4,177,614	4,982,504	9,160,118
(c) Operations and Maintenance and Program Support for Troy State University at Montgomery.....	4,368,057	4,934,229	9,302,286
(d) Auxiliary Enterprises.....		10,095,000	10,095,000
(e) Restricted Funds.....		6,369,881	6,369,881

SOURCE OF FUNDS:

(1) ASETF.....	27,965,717		
(2) Federal and Other Funds.....		64,433,558	
Total Board of Trustees of Troy State University.....	27,965,717	64,433,558	92,399,275

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to each Troy State University campus over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of each Troy State University campus shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

XI. BOARD OF TRUSTEES OF
UNIVERSITY OF WEST
ALABAMA:

(a) Operations and Maintenance and Program Support.....	8,109,916	5,017,951	13,127,867
(b) Auxiliary Enterprises.....		2,859,372	2,859,372
(c) Restricted Funds.....		401,857	401,857

SOURCE OF FUNDS:

(1) ETF.....	8,109,916		
(2) Federal and Other Funds.....		8,279,180	
Total Board of Trustees of University of West Alabama.....	8,109,916	8,279,180	16,389,096

It is the intent of the Legislature that the increase in the above appropriation from the Education Trust Fund to the University of West

Alabama over the FY 1997 appropriation shall be expended solely for the enhancement of viable programs (as defined by the Alabama Commission on Higher Education pursuant to Act 96-557). The President of the University of West Alabama shall certify that the increased funds from the Education Trust Fund were expended only for those viable programs. This certification shall be submitted to the Chair of the House Committee on Ways and Means, the Chair of the Senate Committee on Finance and Taxation-Education, and the Director of the Legislative Fiscal Office prior to December 1, 1998.

XII. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

(a) Adult Programs.....	6,233,719	4,944,107	11,177,826
(b) Children and Youth Programs.....	18,851,826	2,239,307	21,091,133
(c) Industries for the Blind.....	<u>4,549,081</u>	<u>9,219,553</u>	<u>13,768,634</u>

SOURCE OF FUNDS:

(1) ETF.....	29,634,626		
(2) Federal and Other Funds.....		<u>16,402,967</u>	
Total Board of Trustees of Alabama Institute for Deaf and Blind.....	<u>29,634,626</u>	<u>16,402,967</u>	<u>46,037,593</u>

XIII. KNIGHT V. ALABAMA - FINAN- CIAL OBLIGATIONS:

(a) Operations and Maintenance and Program Support, Estimated.....			4,923,716
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SOURCE OF FUNDS:

(1) ETF.....	<u>4,923,716</u>		
Total Knight v. Alabama.....	<u>4,923,716</u>		<u>4,923,716</u>

To be allocated and expended in accordance with the 1995 Remedial Decree in Knight v. Alabama, Civil Action CV 83-M-1676, 900 F Supp 272.

SECTION 5. The Legislature by its passage of Act 95-314 requires the phase out of hold harmless funds to be completed in FY 1999 in scheduled increments over a four-year period. The State Department of Education may exclude 2% of the amount of the FY 1997 4% pay raise from the calculation of the hold harmless amount to be distributed from the Public School Fund.

SECTION 6. In addition to appropriations herein made, all gifts, grants, contributions, or entitlements, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made. Further, all state, county, municipal and educational entities are authorized to disburse such sums as deemed necessary by mutual agreement between said entities and the State of Alabama, Department of Examiners of Public Accounts to partially defray the cost of auditing services performed by said agency. All such sums are hereby appropriated and reappropriated if necessary to the Department of Examiners of Public Accounts for audit services, to be expended through the fund established by Section 41-5-24, Code of Alabama 1975.

SECTION 7. The State Superintendent of Education shall make requisitions to the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller shall issue his warrant therefor. Furthermore, the Executive Director of the Alabama Commission on Higher Education may submit to the Comptroller requests for timely payments of warrants to students receiving financial assistance to attend postsecondary educational institutions. All other appropriations in this Act shall be paid after proper requisitions are made to the State Comptroller in the manner now provided by law.

SECTION 8. No funds provided herein for the public schools shall be used for the payment of any salaries of personnel not under the direct control, employment, and supervision of local boards of education. No funds provided herein for the two-year postsecondary schools under the auspices of the State Board of Education shall be used for the payment of any salaries of personnel not under the direct control, employment and supervision of said institutions.

SECTION 9. Nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 10. All state-mandated and state-funded salary increases and fringe benefits for Child Nutrition Program workers shall be fully-funded from the Foundation Program Fund in this Act and shall therefor be subsequently fully-funded by all local school boards from funds provided in this Act from Other Current Expense and not from funds generated by the Child Nutrition Program.

SECTION 11. (a) Funds appropriated from the ETF or earmarked state funds in this Act to any state department, division, board, bureau, commission, agency, institution, or office (with the exception of local boards of education) shall not be expended for the purchase or lease of automotive vehicles. A state agency or postsecondary institution of higher education funded from the ETF or earmarked state funds in this Act may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education. The request shall explain the nature of the automotive purchase or lease and the emergency need for the vehicle. The request shall be approved unanimously by the Director of Finance, the Chairman of the House Committee on Ways and Means, and the Chairman of the Senate Committee on Finance and Taxation-Education prior to the purchase or lease of any automotive vehicle.

(b) No funds appropriated in this act shall be expended for the purpose of purchasing optional equipment on state motor vehicles that consist of stereo equipment, power seats, leather upholstery, premium wheel covers, deluxe exterior trim, or sun roofs.

(c) On the last day of this fiscal year, each state school, college, department, agency, or like institution receiving funds under this act shall file a report with the Legislature detailing purchases of new motor vehicles during the fiscal year, including complete information on the date of purchase, make and model of the vehicle, standard equipment on the vehicle, optional equipment on the vehicle, and a complete inventory of all state motor vehicles assigned to, being used by, or being leased by the state school, college, department, agency, or like institution receiving funds under this Act, and shall also submit an inventory report of all motor vehicles that it operates that do not have state vehicle identification license tags.

SECTION 12. The appropriations made herein to the departments, boards, offices, commissions, and agencies include the amount necessary and said departments, boards, offices, commissions, and agencies are hereby directed to make the transfer of funds to the State Personnel Department in the amounts enumerated in the general appropriation act for the fiscal year ending September 30, 1998. All agencies enumerated in this Act that receive services from other governmental agencies enumerated in the general appropriation act shall make full payment in a timely manner (as determined by the Department of Finance) for such services.

SECTION 13. All encumbered balances of a previous fiscal year appropriation other than the exclusions authorized by the Code of Alabama 1975, Section 41-4-93, shall lapse no later than September 30 of the fiscal year immediately following the fiscal year for which the appropriation was made and shall revert to the credit of the ETF or earmarked fund from which the appropriation or appropriations were made.

SECTION 14. If any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

SECTION 15. All laws and parts of laws, general, special, private or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

SECTION 16. This Act shall become effective on October 1, 1997.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Knight (A) offered the following substitute to the substitute reported by the Standing Committee on Ways and Means to the bill, H. 119:

To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

SUBSTITUTE TO SUBSTITUTE TABLED

On motion of Representative Thomas (J), the substitute offered by Representative Knight (A) to the committee substitute to the bill, H. 119, was tabled.

Yeas 62; Nays 25.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Carter, Clark (W), Collins, Curry, Drake, Dukes, Fuller, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (D), Papucci, Penry, Perdue, Pringle, Sanderford, Sanderson, Spratt, Starkey, Thomas (J), Turner, Warren, White, Willis and Wren.

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Nay:

Representatives Allen, Carns, Dolbare, Flowers, Gaines, Gipson, Hamilton, Hawkins, Hill, Hooper, Jorgensen, Knight (A), Mitchell, Newton (C), Page, Parker (P), Parker (T), Payne, Rogers (M), Seibenhener, Thomas (D), Townsend, Turnham, Vance and Venable.

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SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on Ways and Means to the bill, H. 119, and the committee substitute was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Wren.

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AMENDMENT OFFERED

Representative Fuller offered the following amendment to the bill, H. 119, as amended:

Amend H. 119 as substituted on page 20, line 27 by deleting the number "7,683,639" and inserting in lieu thereof the number "8,183,639".

Further amend on page 21, lines 6 and 9 by deleting the number "6,476,389" and inserting in lieu thereof the number "6,976,389". Also, page 21, line 9, delete "7,811,139" and insert in lieu thereof "8,311,139".

Further amend on page 15, line 16 by deleting the number "20,279,827" and inserting in lieu thereof the number "19,779,827".

Further amend on page 15, line 11 and on page 16, line 19 by deleting the number "58,901,177" and inserting in lieu thereof the number "58,401,177".

Further amend on page 16, lines 16 and 19 by deleting the number "21,416,079" and inserting in lieu thereof the number "20,916,079".

Further amend on page 18, lines 14 and 19 by deleting the number "3,475,000" and inserting in lieu thereof the number "3,508,601".

Further amend on page 18, lines 16 and 19 by deleting the number "2,475,000" and inserting in lieu thereof the number "2,508,601".

Further amend on page 20, line 24 by deleting the number "479,860,462" and inserting in lieu thereof the number "479,394,063".

Further amend on page 20, lines 21 and 24 by deleting the number "38,632,749" and inserting in lieu thereof the number "38,166,350".

Further amend on page 6, line 30 by deleting the number "2,505,486,657" and inserting in lieu thereof the number "2,504,315,903".

Further amend on page 8, lines 2 and 6 by deleting the number "2,478,520,848" and inserting in lieu thereof the number "2,477,350,094".

Further amend on page 8, line 6 by deleting the number "2,769,921,682" and inserting in lieu thereof the number "2,768,750,928".

Further amend on page 12, line 4 by deleting the number "\$100" and inserting in lieu thereof the number "\$75".

Further amend on page 13, line 27 by deleting the numbers "186,865,376" and "283,268,983" and inserting in lieu thereof the numbers "187,613,626" and "284,017,233" respectively.

Further amend on page 14, lines 7 and 10 by deleting the number "187,791,069" and inserting in lieu thereof the number "188,539,319".

Further amend on page 14, line 10 by deleting the number "378,574,936" and inserting in lieu thereof the number "379,323,186".

Further amend on page 23, line 23 by deleting the number "800,000" and inserting in lieu thereof the number "1,000,000".

Further amend on page 23, line 14 and on page 24, line 24 by deleting the number "9,900,707" and inserting in lieu thereof the number "10,100,707".

Further amend on page 24, line 20 by deleting the number "8,545,457" and inserting in lieu thereof the number "8,745,457".

Further amend on page 24, line 24 by deleting the number "9,845,457" and inserting in lieu thereof the number "10,045,457".

Further amend on page 26, lines 13 and 16 by deleting the number "14,313,376" and inserting in lieu thereof the number "14,513,376".

Further amend on page 26, line 16 by deleting the number "17,425,191" and inserting in lieu thereof the number "17,625,191".

Further amend on page 34, lines 6 and 9 by deleting the number "1,409,106" and inserting in lieu thereof the number "1,631,610".

Further amend on page 34, line 3 by deleting the number "1,787,572" and inserting in lieu thereof the number "2,010,076".

Further amend on page 34, line 9 by deleting the number "1,837,572" and inserting in lieu thereof the number "2,060,076".

Further amend on page 34 after line 9 by inserting the following language:

"In addition to the above appropriation to the Postsecondary Education Department there is hereby appropriated \$1,102,726 from the Education Trust Fund to the Postsecondary Education Department to be conditioned upon the availability of funds in the Education Trust Fund and the approval of the Governor."

Further amend on page 44 after line 18 by inserting the following language:

"Of the above appropriation for operations and maintenance, a total of \$250,000 shall be allocated to the Black Archives Museum."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 198. To make an appropriation of \$4,498,566 from the Education Trust Fund to the State Board of Education for the support and maintenance of special programs for special education for the fiscal year ending September 30, 1998, and to require an operations plan and audited financial statement prior to release of any funds.

TOMMY CARTER
Chairman

And the bill, H. 198, as engrossed, was ordered sent to the Senate.

H. 119 RESUMED**AMENDMENT OFFERED**

Representative Wren offered the following amendment to the bill, H. 119, as amended:

Amend House Bill 119 as substituted on page 23, line 20 by striking "6,100,000" and inserting in lieu thereof "5,600,000".

Further amend the bill on page 24, line 20 by striking "8,745,457" and inserting in lieu thereof "8,245,457".

Further amend the bill on page 26, lines 13 and 16 by striking "14,513,376" and inserting in lieu thereof "14,013,376".

Further amend the bill on page 23, line 14 and on page 24, line 24 by striking "10,100,707" and inserting in lieu thereof "9,600,707".

Further amend the bill on page 26, line 16 by striking "17,625,191" and inserting in lieu thereof "17,125,191".

Further amend the bill on page 24, line 24 by striking "10,045,457" and inserting in lieu thereof the figure "9,645,457".

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Wren to the bill, H. 119, as amended, was tabled.

Yeas 61; Nays 27.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Crigler, Dean, Drake, Dukes, Flowers, Fuller, Galliher, Graham, Guin, Hall (A), Hall (L), Hammett, Hawkins, Hayden, Hilliard, Hogan, Hooper, Jackson, Jorgensen, Kennedy, Knight (J), Lindsey, Maull, McDaniel, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Pringle, Robinson, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

Nay:

Representatives Allen, Clouse, Collins, Dolbare, Gaines, Gipson, Hamilton, Hill, Hinshaw, Holmes, Houston, Johnson (R), Laird, Layson, McAdory, McKee, McMillan, Moore, Morrow, Parker (P), Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Thomas (D) and Wren.

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AMENDMENT OFFERED

Representative Morrow offered the following amendment #1 to the bill, H. 119, as amended:

Amend House Bill 119 on page 43, line 4 by deleting the number "1,750,000" and inserting in lieu thereof the number "1,662,500".

Further amend the bill on page 43, lines 17 and 20 by deleting the numbers "327,181,497" and "1,331,634,856" and inserting in lieu thereof the numbers "327,093,997" and "1,331,547,356", respectively.

Further amend the bill on page 32, lines 3, 5 and 6 by deleting the number "145,800" and inserting in lieu thereof the number "109,350".

Further amend the bill on page 12 after line 32 by inserting a new section 11 and renumbering all subsequent sections accordingly:

"11. Education, State Board of-K-12
Capital Outlay Program:

(a) K-12 Capital Outlay Program..... 123,950

SOURCE OF FUNDS:

(1) ETF..... 123,950

Total State Board of Education - K-12
Capital Outlay Program..... 123,950 123,950

Further amend the bill on page 43, line 11 by adding the following language: "It is the intent of the Legislature that the Bevill Center for Advanced Environmental Technology be reduced by \$87,500 from the amount allocated to that center in fiscal year 1996."

AMENDMENT TABLED

On motion of Representative Burke, the amendment #1 offered by Representative Morrow to the bill, H. 119, as amended, was tabled.

Yeas 39; Nays 38.

Yea:

Representatives Baker, Black (M), Boyd, Burke, Carns, Carter, Dukes, Flowers, Fuller, Galliher, Graham, Guin, Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hilliard, Hooper, Houston, Kennedy, Letson, Lindsey, Maull, McAdory, McDaniel, Minnifield, Morton, Newton (C), Payne, Perdue, Rogers (J), Sanderford, Spratt, Starkey, Thomas (J), Townsend, Turnham and White.

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Nay:

Representatives Buskey, Clouse, Dean, Dolbare, Gaines, Gaston, Gipson, Hall (A), Hammett, Hill, Hinshaw, Holmes, Knight (A), Knight (J), Laird, McClammy, McKee, McMillan, Moore, Morrison, Morrow, Murphree, Newton (D), Page, Papucci, Parker (P), Penry, Rogers (M), Seibenhener, Sims, Smith, Thomas (D), Turner, Vance, Venable, Warren, Willis and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 185. COMMEMORATING THE LIFE OF LINDA NOLEN.

Also:

H.J.R. 186. APPROVING AND ENDORSING THE NAMING OF THE LINDA NOLEN LEARNING CENTER.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

**REGULAR SESSION
10th Day**

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H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

McDOWELL LEE
Secretary

H. 119 RESUMED

AMENDMENT OFFERED

Representative Morrow offered the following amendment #2 to the bill, H. 119, as amended:

To amend H. 119 as amended on page 32 by adding after the period on line 12 the following:

"It is the intent of the Legislature that the Music Hall of Fame shall provide free admission to all K-12 students in the state."

MOTION TO TABLE LOST

The motion offered by Representative Black (M) to table the amendment #2 offered by Representative Morrow to the bill, H. 119, as amended, was lost.

Yeas 29; Nays 45.

Yea:

Representatives Baker, Black (M), Burke, Buskey, Carns, Carter, Clark (W), Dukes, Galliher, Graham, Hall (L), Hamilton, Hawkins, Hilliard, Houston, Kennedy, Lindsey, McAdory, Newton (C), Payne, Perdue, Petelos, Rogers (J), Spratt, Starkey, Townsend, Turnham, Warren and White.

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Nay:

Representatives Carothers, Clouse, Collins, Dean, Dolbare, Gaines, Gaston, Gipson, Guin, Hall (A), Hammett, Haney, Hill, Hinshaw, Holmes, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, McKee, McMillan, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Penry, Robinson, Rogers (M), Sims, Smith, Thomas (D), Turner, Vance, Venable, Willis and Wren.

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AMENDMENT TABLED

On motion of Representative Burke, the amendment #2 offered by Representative Morrow to the bill, H. 119, as amended, was tabled.

Yeas 46; Nays 33.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dukes, Flowers, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawkins, Hilliard, Houston, Kennedy, Knight (A), Lindsey, McAdory, McClammy, McDaniel, Melton, Newton (C), Newton (D), Petelos, Rogers (J), Sanderford, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Venable, Warren and White.

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Nay:

Representatives Collins, Dolbare, Drake, Gaines, Hall (A), Hawk, Hill, Hinshaw, Holmes, Johnson (R), Knight (J), Laird, Layson, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Page, Papucci, Parker (P), Payne, Penry, Robinson, Sims, Smith, Thomas (D), Vance, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill and House Joint Resolutions, to-wit:

H. 208. To provide for the regulation and licensure of marriage and family therapists; to establish the Alabama Board of Examiners in Marriage and Family Therapy; to prescribe fines and penalties for violations of this act; to create a privilege covering communication between a client and a therapist; and to provide for the appropriation of funds to the board.

Also:

H.J.R. 185. COMMEMORATING THE LIFE OF LINDA NOLEN.

Also:

H.J.R. 186. APPROVING AND ENDORSING THE NAMING OF THE
LINDA NOLEN LEARNING CENTER.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL AND HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill and the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 119 RESUMED

AMENDMENT OFFERED

Representative Parker (P) offered the following amendment to the bill, H. 119, as amended:

Amend H. 119 on page 29, lines 4 through 20 by deleting section 25 in its entirety.

Further amend the bill on page 12 after line 32 by inserting a new section 11 and renumbering all subsequent sections accordingly.

"11. State Board of Education - K-12
Foundation Program:

(a) K-12 Foundation Program.....	5,000,000
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SOURCE OF FUNDS:

(1) ETF.....	5,000,000	
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Total Sate Board of Education - K-12 Foundation Program.....	5,000,000	5,000,000
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The above appropriation shall be distributed to the local boards of education on the basis of each board's average daily membership."

AMENDMENT TABLED

On motion of Representative Fuller, the amendment offered by Representative Parker (P) to the bill, H. 119, as amended, was tabled.

Yeas 71; Nays 15.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Dean, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (T), Penry, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Warren, White and Willis.

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Nay:

Representatives Carns, Dolbare, Hamilton, Hammett, Hawkins, Hinshaw, Laird, McKee, Mitchell, Newton (C), Parker (P), Payne, Smith, Townsend and Venable.

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And the bill:

H. 119. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 92; Nays 10.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

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Nay:

Representatives Gaines, Hawkins, Knight (A), McKee, Mitchell, Morrow, Rogers (M), Seibenhener, Sims and Wren.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 119, as amended, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 119 spread upon the minutes of the House Journal. My dissent is founded on the condition/s that follow: that public dollars are diverted throughout to private entities which are not subject to public scrutiny. Immediate reference is made to the Wallace Museum; the Alabama League for the Advancement of Education; and to the entity. Educational Resources, Inc. Funding of these entities results, in part, the underfunding of public K-12 education.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 54. COMMENDING AMBER MILLER, MISS ALABAMA AGRICULTURE, AND WELCOMING HER TO THE ALABAMA LEGISLATURE.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 54.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 57. COMMENDING THE CONSOLATA MISSIONARY SISTERS FOR SELFLESS SERVICE TO OTHERS.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 57.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 59. COMMENDING MISS SUSIE DEMENT OF MONTEVALLO, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 59.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 61. MOURNING THE DEATH OF JAY GIBBS HITCHCOCK OF AUBURN, ALABAMA.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 61.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 60. COMMENDING THE TUSCALOOSA CHRISTIAN GIRLS BASKETBALL TEAM ON ITS CHAMPIONSHIP.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 60.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.R. 194. APPROVING AND ENDORSING THE NAMING OF THE LINDA NOLEN LEARNING CENTER.

WHEREAS, this legislative body notes with respectful appreciation and admiration the commitment and contributions of Dr. Linda Nolen as the Shelby County Coordinator of Special Education until her death in August of 1995; the services provided by Dr. Nolen to the Shelby County School System, the Alabaster community, and indeed to all citizens of this state are both significant and enduring; and

WHEREAS, we give thanks that a great portion of the notable professional career of Dr. Linda Nolen was pledged to providing in a caring and compassionate manner special educational assistance to the children of Shelby County; indeed, she demonstrated on a continuing and untiring basis her devotion and dedication to these exceptional students; and

WHEREAS, Dr. Linda Nolen's extraordinary managerial skills played an instrumental role in the success of the Shelby County Special Services Center; her unique talents in harmonizing various ideas and interests and her ability to channel the creative energy of her co-workers for the betterment of the children will be a lasting legacy which those who follow must strive to preserve and enhance; and

WHEREAS, this legislative body finds it proper and appropriate that the Shelby County Board of Education has unanimously voted to name the Shelby County Special Services Center in memory of this talented teacher and able administrator, whose earnest efforts and significant successes are brightly reflected on a daily basis by the continuing progress, compelling pride, and constant promise of the exceptional students of this center whom she loved so dearly; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That in unqualified consensus, we endorse and approve the naming of The Linda Nolen Learning Center in recognition and tribute to the memory of this remarkable educator.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the family of Dr. Nolen and to the center, so that both may know of our sincere sentiments.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.R. 194, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 195. MOURNING THE DEATH OF MRS. ALICE GRAY WALLACE.

WHEREAS, it is with deep and abiding sorrow that the Alabama Legislature records the death of Mrs. Alice Gray Wallace on January 5, 1997; and

WHEREAS, Mrs. Wallace was born on February 27, 1902, in Greensboro, Alabama, to Susie and Samuel Gray, the eldest of three children; she committed her life to Christ at the age of 13, and faithfully and diligently served her Lord and Master at Payne Chapel A. M. E. Church; and

WHEREAS, she also was the granddaughter of Professor Briscoe Reese who became the first Black to serve in the Legislature of the State of Alabama in 1868; and

WHEREAS, Mrs. Alice Gray Wallace had a unique combination of talent and knowledge that made her a tremendous asset to her community, and her kind deeds and unselfish service for the happiness and well-being of others will be long remembered; and

WHEREAS, left to cherish her memory are a devoted daughter, Joyce Thomas; sons, Samuel Gray and Henderson Wallace; foster daughter, Margaret Askew; 11 grandchildren; 22 great grandchildren; two great-great grandchildren; and a host of loving relatives and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express deepest regret at the death of Mrs. Alice Gray Wallace, and extend heartfelt sympathy to her bereaved family and friends, for whom a copy of this resolution of sincere condolence shall be provided.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 195, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 196. COMMENDING JUSTIN COCKRELL GARRICK OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Justin Cockrell Garrick, a member of Boy Scout Troop 4, has successfully completed the requirements for the prestigious rank of Eagle Scout, the highest attainable in the Boy Scouts of America, and will be honored at a Court of Honor at Vestavia Hills United Methodist Church on March 23, 1997; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community projects, and to fulfill other stringent criteria for Eagle Scout status; and

WHEREAS, scouting provides experiences and values that stay with you throughout your lifetime: Responsibility, teamwork, citizenship, and duty to God, country, self, and many other important values and traits; and

WHEREAS, Justin Garrick, who is an exceptional young man, has developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Justin Cockrell Garrick is hereby congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding civic contributions in qualifying for this high honor.

BE IT FURTHER RESOLVED, That Justin Cockrell receive a copy of this resolution of highest commendation, tribute, and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 196, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 197. COMMENDING CHARLES EUGENE LEWIS OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, Charles Eugene Lewis, a member of Boy Scout Troop 4, has successfully completed the requirements for the prestigious rank of Eagle Scout, the highest attainable in the Boy Scouts of America, and will be honored at a Court of Honor at Vestavia Hills United Methodist Church on March 23, 1997; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community projects, and to fulfill other stringent criteria for Eagle Scout status; and

WHEREAS, scouting provides experiences and values that stay with you throughout your lifetime: Responsibility, teamwork, citizenship, and duty to God, country, self, and many other important values and traits; and

WHEREAS, Charles Lewis, who is an exceptional young man, has developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Charles Eugene Lewis is hereby congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding civic contributions in qualifying for this high honor.

BE IT FURTHER RESOLVED, That Charles Eugene receive a copy of this resolution of highest commendation, tribute, and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 197, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 198. COMMENDING DAVID MCFERRIN WALSH OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

WHEREAS, David McFerrin Walsh, a member of Boy Scout Troop 4, has successfully completed the requirements for the prestigious rank of Eagle Scout, the highest attainable in the Boy Scouts of America, and will be honored at a Court of Honor at Vestavia Hills United Methodist Church on March 23, 1997; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community projects, and to fulfill other stringent criteria for Eagle Scout status; and

WHEREAS, scouting provides experiences and values that stay with you throughout your lifetime: Responsibility, teamwork, citizenship, and duty to God, country, self, and many other important values and traits; and

WHEREAS, David Walsh, who is an exceptional young man, has developed leadership ability and earned the esteem of his community and his fellow scouts, and his scouting achievements reflect the highest ideals of American youth; now therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF ALABAMA, That David McFerrin Walsh is hereby congratulated on his achievement of the rank of Eagle Scout, and commended for his outstanding civic contributions in qualifying for this high honor.

BE IT FURTHER RESOLVED, That David McFerrin receive a copy of this resolution of highest commendation, tribute, and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 198, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 199. DESIGNATING MANUFACTURING WEEK.

WHEREAS, one of the underlying strengths of Alabama's economic foundation is a prosperous manufacturing industry; and

WHEREAS, the manufacturing industry in Alabama is comprised of more than 7,000 businesses which employ almost 385,000 men and women; and

WHEREAS, this strength exists greatly in part due to the diversity of products manufactured throughout the state; and

WHEREAS, that diversity also includes small and large manufacturers who have demonstrated the ability to compete successfully in a global market; and

WHEREAS, this vital segment of Alabama business is essential to move Alabama into the next century; and

WHEREAS, the manufacturing sector of business should be recognized and honored for its contributions to the economy and overall quality of life in the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of March 10th through March 14th is proclaimed and designated as Manufacturing Week in the State of Alabama.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 199, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 200. EXTENDING HEARTIEST CONGRATULATIONS TO MR. AND MRS. CHARLES ROBERT MCDEVITT.

WHEREAS, heartiest congratulations are herein extended to Charles Robert McDevitt and Marilyn McKenzie Jones who were united in marriage on December 28, 1996, in the First Baptist Church of Mobile, Bedsole Chapel, with Dr. James F. Walters officiating; and

WHEREAS, serving in attendance were the bride's daughter, Karen Lindsey Jones, 10, of Mobile, as flower girl, accompanied by the bride's nieces, Margaret Ashley (Maggie) Ferguson of Mobile and Sara Michele Godwin of Loxley; following the ceremony, a wedding reception was held at Gus's Azalea Manor Restaurant and Courtyard in downtown Mobile with the "Dauphin Street Combo" providing festive, contemporary jazz music for the occasion; and

WHEREAS, Marilyn has served with the Mobile County Probate Court since 1974, under the administrations of Probate Judges L. W. "Red" Noonan and John L. Moore, III, and currently, as Election Coordinator, heads the Court's Election Division; and

WHEREAS, Charles, a resident of Montgomery, has been with Brown Printing Company for 35 years and has served in several capacities of the organization, including president; he is an active member of the Kiwanis Club of Montgomery, as well as many other civic organizations, and is past president of the South Alabama State Fair; he also is the father of two sons, Wade McDevitt, also with Brown Printing Company of Montgomery, and Neal McDevitt, an engineer with Union Camp Paper Corporation's Prattville mill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this joyous occasion, heartiest congratulations are hereby extended to Mr. and Mrs. Charles Robert McDevitt, for whom a copy of this resolution shall be provided with sincere regard and best wishes for every future happiness in life.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 200, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 201. COMMENDING GRAND BAY HIGH SCHOOL ON ITS FIRST-PLACE TEAM AWARD IN THE MOBILE COUNTY SCHOLARS BOWL.

WHEREAS, noted with highest commendation are the notable accomplishments of the Grand Bay High School Scholars Bowl Team on its first-place team award, whose members will be recognized at a meeting of the Mobile County School Board on March 14, 1997; and;

WHEREAS, the Scholars Bowl is an academic contest in which students from various schools compete against each other by answering questions and solving problems to earn points; and

WHEREAS, displaying their exceptional scholastic abilities are team members Neil Warren, Steve Jackson, Sherry Broadus, Clint Landry, Jamin Bates, and Landon Deakle, who ended the season with a 17-3 record and 4,440 points; and

WHEREAS, included among the all-star team's highest scoring students is Clint Landry of Grand Bay with 1,210 points; Clint also was chosen by the coaches as an outstanding competitor on the Grand Bay varsity team, and Landon Deakle as Grand Bay's outstanding junior varsity competitor; and

WHEREAS, the Grand Bay High School Scholars Bowl Team is indeed a group of young Alabamians of extraordinary accomplishment who have brought great credit to their families, school, and communities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievements, the Grand Bay High School Scholars Bowl Team members are most highly commended on their determination to succeed in their educational endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Grand Bay High School for appropriate school display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 201, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 202. COMMENDING DR. JOHN L. EDWARDS FOR HIS PROFESSIONAL ACHIEVEMENTS.

WHEREAS, it is with warm personal pride and pleasure that Dr. John L. Edwards is recognized for providing outstanding professional and medical service to others; and

WHEREAS, Dr. Edwards, a prominent Birmingham physician associated with Henderson and Walton, is the physician of Tanya M. Guin, wife of State Representative James Kenneth Guin, Jr., of Carbon Hill, Alabama; and

WHEREAS, on February 13, 1997, Mrs. Guin was admitted to St. Vincent's Hospital in Jefferson County to deliver her first child; and

WHEREAS, Dr. Edwards, who indeed serves as a worthy role model in his profession, provided care, compassion, and assistance during Mrs. Guin's many hours of labor; and

WHEREAS, in delivering a healthy, eight-pound baby boy, James Kenneth Guin, III, affectionately known as "J.K.," Dr. Edwards has indeed earned the gratitude and affection of Representative and Mrs. Guin through his many acts of kindness and caring; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That John L. Edwards, M.D., is extended highest commendation for the exemplary professional care given to Tanya M. Guin and James Kenneth Guin, III, on February 13-14, 1997.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere appreciation be presented to Dr. Edwards with heartfelt thanks.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 202, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 203. COMMENDING THE NURSING STAFF OF ST. VINCENT'S HOSPITAL, BIRMINGHAM, ALABAMA.

WHEREAS, on February 13, 1997, Tanya M. Guin, wife of State Representative James Kenneth Guin, Jr., of Carbon Hill, Alabama, was admitted to St. Vincent's Hospital in Jefferson County to deliver her first child; and

WHEREAS, the outstanding nursing staff of St. Vincent's Hospital who provided care, comfort, and assistance during her labor and delivery include: Candice McGuire, Halla Moustapha, Mary Hubbard, and Patrisha Cotter; and

WHEREAS, others contributing to the quality care of Mrs. Guin and son, James Kenneth Guin, III, who weighed in at eight pounds, was Susie Hooks, Teresa Taylor, Carol Sartian, and Gail Burns, among others; and

WHEREAS, the Nursing Staff at St. Vincent's Hospital is indeed deeply committed to its responsibilities, and has built its own unique traditions of exceptional medical care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is extended to the Nursing Staff at St. Vincent's Hospital who provided special care and assistance to Tanya M. Guin and her son, James Kenneth Guin, III, on February 13-14, 1997.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to each of the above-named individuals.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 203, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 204. URGING THE STATE BOARD OF EDUCATION TO ADOPT A PROGRAM OF PREVENTING ABUSIVE RELATIONSHIPS.

WHEREAS, relationship abuse accounts for more injuries to women than automobile accidents, rapes, and muggings combined; and

WHEREAS, 95 percent of relationship abuse victims are women; it is estimated that an astounding 1,400 to 2,500 women in America die each year by violent acts of their male partners; and

WHEREAS, the Surgeon General has declared that abusive relationships are the leading cause of physical injury to women between the ages of 15 and 44; and

WHEREAS, sadly, the victim often protects the abuser or places the blame on herself, rather than the abuser, because the victim has also been emotionally victimized and intimidated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby encourage the State Board of Education to adopt a program within the health education curriculum to address the issues of recognition of and prevention of abusive relationships.

RESOLVED FURTHER, That a copy of this resolution be sent to the State Superintendent of Education as an expression of our deep concerns and expectations on this issue.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 204, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 181. REQUESTING THAT THE BALANCED BUDGET AMENDMENT TO THE U.S. CONSTITUTION BE PASSED AND SUBMITTED TO THE STATES FOR RATIFICATION.

WHEREAS, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than \$5 trillion -- or \$20,000 for every man, woman, and child in America; and

WHEREAS, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

WHEREAS, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

WHEREAS, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its people, making it an appropriate subject for limitation by the Constitution of the United States; and

WHEREAS, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the people, as represented by their elected state legislatures; and opposition by a small minority repeatedly has thwarted the will of the people that a balanced budget amendment to the Constitution should be submitted to the states for ratification; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Congress of the United States is requested to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the President of the United States Senate, the Speaker of the House of Representatives of the United States, each Member of the Alabama Congressional Delegation, and the secretary of state and the presiding officers of both houses of the legislatures of each of the other states in the Union.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 181, was adopted.

BILLS ON SECOND READING

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 640. To amend Sections 40-23-1, as amended by Act 96-887, 1996 Regular Session, 40-23-4, as amended by Act 96-544, 1996 Regular Session, 40-23-60, Code of Alabama 1975, and 40-23-62, as amended by Act 96-544, 1996 Regular Session, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; and to exempt computer software for use in research and experimentation from sales and use taxes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

H. 330. (With Substitute): To make an appropriation from the Education Trust Fund in the State Treasury to the University of South Alabama Regional Stroke Center, in the amount of \$250,000 for the fiscal year ending September 30, 1998.

H. 424. (With Substitute): To make an appropriation from the Education Trust Fund in the State Treasury to the Alabama Sports Festival, in the amount of \$125,000 for the fiscal year ending September 30, 1997.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 164. To amend Sections 41-9-340, 41-9-342, 41-9-345, 41-9-347, 41-9-348, 41-9-349, 41-9-351, and 41-9-357, Code of Alabama 1975; to further provide the terms, powers, and duties of the USS Alabama Battleship Commission; to provide the meetings of the commission; to provide for employee benefits; and to provide for the battleship fund.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 333. (With Amendment): To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 431. To amend Section 9-11-141 of the Code of Alabama 1975, relating to commercial fishing licenses, to exempt residents age 65 or older from the requirement to obtain a license.

H. 623. To authorize Alabama Public School and College Authority to sell and issue one hundred twenty-five million dollars (\$125,000,000) aggregate principal amount of additional bonds to purchase items of tangible or intangible personal property determined to be necessary to implement the Alabama Technology Plan for K-12 Education and the Alabama School of Fine Arts and the Alabama School of Mathematics and Science; to provide for the reallocation of any unexpended funds after a specified period of time; to authorize the Authority to reimburse the Department of Finance and Treasurer's Office for costs incurred in the administration of the business of the Authority; to authorize the Authority to establish procedures and requirements to ensure compliance with any tax covenants with which the Authority must comply; to provide for the details of the bonds and for the terms of sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the principal of and interest on said bonds at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the monies so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to exempt the Authority and the bonds from the usury laws; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal and interest of any then outstanding bonds theretofore issued by the Authority and to pay the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the

direction of the Authority for the purposes for which the Bonds are authorized to be issued; to provide for the timely expenditure of the proceeds from the sale of the Bonds; to provide that the Authority shall have no responsibility for the security, operation, or liabilities of any system funded from proceeds of the Bonds, that this Act shall not be construed to modify any laws relating to the use or dissemination of data over such system and that the Authority shall have no proprietary or property interest therein; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 287. To amend Section 32-6-233.1 of the Code of Alabama 1975, relating to unauthorized use of handicapped parking places; to provide further for the penalties; to further specify the prohibition on unauthorized persons parking in parking zones designated for handicapped persons at certain private businesses; to provide for the posting of the amount of the fine for a violation on signs designating handicapped parking places; and to provide for the enforcement of this act.

H. 282. To amend Section 13A-6-20, Code of Alabama 1975, to provide that any assault committed by an inmate on a state employee would be classified as assault in the first degree.

H. 619. To provide for reimbursement of actual expenses of a grievance or arbitration procedure incurred by a union for a nonunion member requesting to use the grievance and arbitration procedure of the union.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 52. (With Substitute): To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 412. To provide for the number of jurors from which criminal juries shall be selected based on the nature of the charge and the number of defendants; and to provide that Rule 18.4(f) of the Alabama Rules of Criminal Procedure is superseded.

H. 482. To amend Section 30-1-3, Code of Alabama 1975, to invalidate and declare void marriages between persons of the same sex.

H. 432. To provide for the expungement of the law enforcement and trial court records of a person in certain instances.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 488. (With Amendment): To amend Sections 15-23-3, 15-23-5, 15-23-12, and 15-23-15, Code of Alabama 1975, relating to the Alabama Crime Victims' Compensation Commission, and the Commission Fund; to further provide for the duties of the commission; and to provide further for the compensation awarded to individual victims and dependents of victims of violent crimes.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 351. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 641. (With Amendment): To establish the Uniform Motor Vehicle Records Disclosure Act, prohibiting the disclosure of personal information contained in motor vehicle records, except for certain purposes and under certain conditions; to provide for the resale or redisclosure of the information by an authorized recipient; to provide for the payment of a fee for authorized disclosure; and to prescribe a penalty for violation of the provisions of the act.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 629. To make a person who is convicted of driving a vehicle, while under the influence of any substance that impairs their ability to drive, guilty of the crime of child abuse if a child under the age of 14 years is present in the vehicle, and to prescribe certain penalties.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 489. (With Amendments): To amend Section 32-5-171 of the Code of Alabama 1975, relating to arrest without a warrant; to provide that a person involved in an accident may be arrested without a warrant for certain traffic violations.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 707. Providing for the Uniform Transfer On Death Security Registration Act; permitting owners of securities to register beneficiaries to whom the ownership of the security shall be transferred upon the death of the owner; providing certain ownership and registering requirements, applicable law, the effect of registering, protection for the registering entity, terms and conditions the registering entity may impose, and illustrations of registration forms.

H. 338. Relating to criminal procedure and a criminal conviction based upon a plea of nolo contendere; to provide that a criminal conviction based upon a plea of nolo contendere is admissible to the same extent as other criminal convictions; to provide that the plea is not admissible in civil proceedings to establish liability; and to provide for the unavailability of the plea in criminal proceedings.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 388. To amend Section 40-3-20, Code of Alabama 1975, to extend the period for filing objections to notice of valuation of property.

S. 292. To establish a toll-free telephone number in the Office of the Attorney General for reports of violations of the Americans with Disabilities Act.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 177. (With Amendment): To provide for letters of justification for certain promotions and appointments under the State Merit System.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 204. To amend Section 32-6-41 and Section 32-6-43, Code of Alabama 1975, to increase the number of doctors serving on the Department of Public Safety Medical Advisory Board; and to clarify that persons affected by licensing decisions of the Alabama Department of Public Safety may obtain copies of reports or records used by the department in making licensing decisions.

H. 658. To amend Sections 34-11-1, 34-11-2, 34-11-3, 34-11-4, 34-11-5, 34-11-6, 34-11-7, 34-11-8, 34-11-9, 34-11-10, 34-11-11, 34-11-12, 34-11-14, 34-11-15, 34-11-30, 34-11-31, 34-11-32, 34-11-34, 34-11-35, 34-11-36, and 34-11-37 of the Code of Alabama 1975, which relate to the regulation and registration of professional engineers and land surveyors; to rename the board; to regulate the registration and fees, with expiration and renewal requirements for registration; to provide further for the issuance of certificates of authorization to certain corporations, partnerships, or firms practicing engineering or land surveying; to regulate further the compensation, powers, and duties of the members of the board; to regulate corporate practice; and to provide for penalties.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 618. (With Substitute) (With Amendments): To amend Section 40-12-252, Code of Alabama 1975, to provide an option for owners of truck or tractor trailers to register their trailers for as long as they own them and to provide for an optional permanent registration fee for such trailers.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 519. (With Substitute) (With Amendment): To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 542. To amend Sections 34-4-6, 34-4-7, 34-4-21, 34-4-27, 34-4-30, and 34-4-50, Code of Alabama 1975, relating to auctioneers; to provide further for sales at auction; membership on the State Board of Auctioneers; to provide for penalties; and to specifically repeal Sections 8-14-20, 8-14-21, and 11-51-97, of the Code of Alabama 1975.

H. 661. To amend Sections 34-31-18 and 34-31-28 of the Code of Alabama 1975 to provide for the certification of Heating and Air Conditioning Contractors by grandfathering.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 630. (With Amendment): Relating to "The Alabama Medical Liability Act of 1997" to state the legislative intent; to supplement "The Alabama Medical Liability Act of 1996," "The Alabama Medical Liability Act of 1987" and "The Alabama Medical Liability Act"; to incorporate the definitions ascribed to certain terms in Section 6-5-542, Code of Alabama 1975; to amend Section 6-5-548, Code of Alabama 1975; to provide that in an action for injury or damages or wrongful death against a health care provider for breach of the standard of care, a health care provider shall not be liable for an honest mistake or error in judgment when the proper course is subject to reasonable doubt, and the finder of fact shall be so instructed in any such action; to further provide that the commencement of any action for injury or damages or wrongful death against a health care provider shall constitute a waiver in that action of any privilege, protection, or right of confidentiality as to any health records, communications, information, or opinion, in the possession of any other health care provider who has at any time examined, treated, or cared for the person whose health or medical or mental condition has been made the subject of the action; to further provide that any health care provider may freely disclose or discuss, in a formal or informal fashion, to or with representatives of the defendant health care provider or representatives of the person whose health or medical or mental condition has been made the subject of the action, any information or opinion regarding the health or medical or mental condition of such person or communication with such person; to further provide that in any action for injury, damages, or wrongful death against a health care provider if any medical expenses or other expenses claimed have been or will be paid or reimbursed by a third party or governmental agency, and if the third party or governmental agency has a right of subrogation, by contract or operation of law, with respect to such expenses, then any claim for recovery of such expenses shall be brought in the name of the third party or governmental agency; to further provide that the third party or governmental agency shall be considered the real

party in interest under these circumstances; to further provide that this action shall apply to all actions pending against health care providers at the time this act becomes effective; to further provide that the provisions of this act are severable and if any part thereof be declared unconstitutional or void, such declaration shall not affect those parts remaining; to further provide that all laws or parts of law which conflict with this act are repealed; and to provide that this act shall become effective upon its passage and approval by the Governor.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 385. To amend Section 22-21-29, Code of Alabama 1975, relating to the inspection of health care facilities, to prohibit advance disclosure of the dates of inspection of health care facilities.

S. 17. To provide for the coverage of screening mammography under certain conditions by a health maintenance organization, nonprofit hospital service plan or service contract, managed health care provider, disability or health care contract, plan, or policy issued, renewed, or delivered in this state.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 436. (With Substitute): To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 625. To authorize registered nurses employed by the State Health Department or county health departments to dispense legend drugs under the supervision of a physician and a pharmacist pursuant to procedures established by the State Board of Pharmacy; and for this purpose to amend Section 34-23-11 of the Code of Alabama 1975.

H. 680. Authorizing the State Board of Health to develop a program relating to indoor lead hazard reduction, authorizing the establishment of certain fee schedules and the disposition of fees levied, authorizing the State Health Officer to conduct certain investigations relating to lead hazard reduction and granting immunity from certain liability, requiring the certification of persons engaged in lead hazard removal activities and the regulation of such activity, designating Safe

State as the state accreditation agency and specifying the powers and duties of Safe State, specifying criminal penalties for failure to be properly certified or to comply with certain lead hazard removal procedures, permitting state or local health officers to seek injunctive relief, creating and providing for a special fund and making an appropriation from the fund for fiscal years ending September 30, 1997, and September 30, 1998, and providing for a prospective effective date.

H. 694. To provide that only a physician may perform an abortion; to require any abortion be performed in a hospital or only by a physician with admitting privileges to a hospital; to provide if not done in a hospital, anesthesia must be given by a licensed anesthesiologist or licensed certified registered nurse anesthetist; to require certain reporting requirements of abortion or reproductive health centers and for license suspension for failure to report; to provide a basis for professional disciplinary action, injunctive relief, damages and penalties for violations.

Representative Flowers, Chairperson of the Standing Committee on Health, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 329. (With Amendment): To provide immunity from civil liability to medical professionals who volunteer their services at free medical clinics without compensation; to require the posting of a notice at the free medical clinic advising patrons of the immunity; to provide that acceptance by a free medical clinic of a contribution made by a person receiving services at the clinic does not constitute a waiver of the immunity; and to provide that an established act or omission of a volunteer medical professional shall be the responsibility of the free medical clinic under the doctrine of "respondeat superior."

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 607. To amend Section 16-13-140, Code of Alabama 1975, relating to budgeting for local boards of education; to require public hearings on proposed annual budgets.

H. 669. To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay travel expenses.

H. 573. Relating to the personnel records of education employees; to provide for reasonable access by the employees; to ensure that employees answer or respond to derogatory materials placed in their files; and to establish other procedures and regulations pertaining to education employees' personnel files.

H. 611. Relating to policies of certain school boards; to require each local school board to establish a written reduction-in-force policy.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 616. (With Amendment): To amend Section 16-13-233, Code of Alabama 1975; to further provide for transportation of students who live within two miles from the school they are attending.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 81. (With Substitute): To provide assistance to physically disabled and handicapped registered voters in casting ballots.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 211. To amend Sections 17-16-6 and 17-16-11, Code of Alabama 1975; to provide further for the time for holding certain primary elections and for the time for filing declarations of candidacy.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 518. (With Amendment): To limit campaign contributions by political committees to candidates for statewide office; and to prescribe penalties for violations.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 476. Relating to campaigns for public offices; to require a candidate sponsoring an advertisement that disseminates negative or disparaging information about an opponent, to appear in person or by photograph, to identify himself or herself and, for broadcasted advertisements, to use the sponsor's voice to make the negative or disparaging remarks; to require that a person or entity, other

than the candidate, who sponsors a political advertisement disseminating negative or disparaging information about a candidate for public office, identify themselves and their major contributors, if any, through required statements; to limit the funding for political advertisements containing negative or disparaging information; and to prescribe penalties for violation of this act.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 620. (With Amendment): To provide further for the political parties listed on ballots and to repeal Section 17-8-2.1, Code of Alabama 1975.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 381. To provide for the automatic restoration of voting rights for certain persons who fulfill the sentence or conditions required by the court or the State Board of Pardons and Paroles; and to repeal Section 17-3-10 of the Code of Alabama 1975.

H. 505. To amend Section 17-7-5.1, Code of Alabama 1975, to provide that any person standing in line at the time a polling place closes would be entitled to vote.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 433. (With Amendment): To propose an amendment to the Constitution of Alabama of 1901, providing that appropriations to state or non-state entities shall be considered only in odd-numbered years; providing for a two-year budget; and providing that appropriation of funds could be considered in even-numbered years only in certain situations.

The above bill was read a second time at length as required by the Constitution.

H. 442. (With Amendment): To amend Section 17-7-18, Code of Alabama 1975, relating to proximity of persons to a polling place, to prohibit any person from campaigning or distributing campaign literature within 100 feet of a polling place.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 252. (With Substitute): To amend Section 17-22A-18, Code of Alabama 1975, relating to the prohibition of campaign contributions by one person in the name of another; to amend Section 36-25-6, Code of Alabama 1975, relating to when a candidate may solicit or accept campaign contributions and the use of contributions, to allow a person to contribute one thousand dollars or less to a political committee without designating the candidate to which the contribution is made but after the initial contribution the candidate to which the contribution is made shall be designated by the person making the contribution; to require that the candidate and amount be designated in transfers of contributions from one political committee to another; to change the time during which campaign contributions may be accepted.

Representative Venable, Chairperson of the Standing Committee on Constitution and Elections, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 220. Relating to the Fair Campaign Practices Act; amending Section 17-22A-2, Code of Alabama 1975, and repealing Section 17-22A-13, Code of Alabama 1975, to provide further for the definition of a filing officer as used in the Fair Campaign Practices Act; and to add a new Section 17-22A-11.1 to Title 17, Chapter 22A, Code of Alabama 1975, to provide for a voluntary Code of Fair Campaign Conduct containing a set of guidelines for decency in political campaigns which would be presented to a candidate by the filing officer, voluntarily signed by the candidate, and forwarded to the Office of the Secretary of State to be retained as a public record.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 15. (With Amendment): To amend Section 22-27-48, Code of Alabama 1975, relating to the implementation of local plans for solid waste disposal and the application process by units of local government for facility permits, so as to require an intervening waiting period on the consideration of an application by units of local government which have submitted previous applications.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 655. (With Substitute): Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 617. To amend Sections 6-6-1 and 8-1-41, Code of Alabama 1975, relating to arbitration, to make agreements to arbitrate future controversies enforceable.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 19. To amend Section 40-21-123, which provides for the collection and distribution of the cellular radio telecommunications services tax, so as to provide for the appropriation of as much as necessary of the tax revenue for the payment of principal and interest on the outstanding bonds issued by the Alabama Revolving Loan Fund Authority; and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 20. (With Substitute): To authorize the incorporation of the Alabama Revolving Loan Fund Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in

this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

H. 296. (With Substitute): To authorize the incorporation of the Alabama Revolving Loan Fund Authority; to provide for its governance and to confer upon it certain powers; to grant to the Authority the power to issue not exceeding \$12,000,000 principal amount of bonds for the purpose of making grants of revolving loan funds to the several regional planning and development commissions; to appropriate to the Authority and pledge for payment of the principal of and interest on the bonds proceeds from the levy of the privilege or license tax on cellular radio telecommunication service to the extent necessary to pay the principal and interest at their respective maturities; to provide for the details of the bonds and for the terms of sale thereof; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the State; to provide that the bonds and the income therefrom shall be exempt from taxation in this State and the bonds may be used to secure deposits of funds of this State and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to provide that the Department of Economic and Community Affairs shall perform administrative and recordkeeping functions on behalf of the Authority; to provide for the dissolution of the Authority and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

Representative Carns, Chairperson of the Standing Committee on Industrial Development and Economic Growth, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 297. To amend Section 40-21-123, which provides for the collection and distribution of the cellular radio telecommunications services tax, so as to provide for the appropriation of as much as necessary of the tax revenue for the payment of principal and interest on the outstanding bonds issued by the Alabama Revolving Loan Fund Authority; and to provide for an effective date, subject to the passage of Senate Bill _____ of the 1997 Regular Legislative Session.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 29. (With Amendment): To amend Sections 36-34-1 and 36-34-2, Code of Alabama 1975, to provide further for the payment of the cost of health insurance for certain persons receiving benefits under the Employees' Retirement System.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 479. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Coffee County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 469. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Calhoun County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

H. 470. Proposing an amendment to the Constitution of Alabama of 1901, to provide that certain elected public officials in Talladega County may participate in the Employees' Retirement System in lieu of participating in a supernumerary program or system.

The above bill was read a second time at length as required by the Constitution.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 621. (With Amendment): To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 664. To provide for the display of the United States Constitution, the Declaration of Independence, and the Ten Commandments in courtrooms.

S. 54. To provide a system for the purchase of service credit in the Employees' Retirement System of Alabama by public officials where such purchase has been authorized by local constitutional amendment.

Representative Dukes, Chairperson of the Standing Committee on Local Government, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 151. (With Amendment): To provide a system for the purchase of service credit in the Employees' Retirement System of Alabama by public officials where such purchase has been authorized by local constitutional amendment.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 468. (With Amendment): To prohibit any professional contest or exhibition other than boxing, sparring, wrestling or martial art wherein the contestants deliver, or are not forbidden by rules from delivering kicks, punches, or blows of any kind to the body of an opponent or opponents; to provide for a penalty.

Representative Ford, Chairperson of the Standing Committee on Tourism, Entertainment and Sports, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 650. Proposing an amendment to the Constitution of Alabama of 1901, to authorize the conduct of super bingo games by the Alabama Veterans Foundation, Inc.

The above bill was read a second time at length as required by the Constitution.

H. 651. To authorize the conduct of super bingo by the Alabama Veterans Foundation, Inc., and provide for the powers and duties of the foundation; to provide for the disposition of the super bingo proceeds; and to prescribe penalties for certain violations.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 678. Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Bevill Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

H. 702. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Sumter County Commission to levy a three mill ad valorem tax for fire protection.

The above bill was read a second time at length as required by the Constitution.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representatives Gipson, Parker (T), White, Clouse, Vance, McMillan, Penry, Gaston, Fuller, Carter, Hooper, Ford, Payne, Townsend, Hinshaw, Haney, McDaniel, Morrow, Page, Johnson (E), Lindsey, Morrison, Murphree, Smith, Jorgensen, Graham, Rogers (M), Thomas (D), Millican, and Johnson (R):

H. 710. Relating to the Alabama Taxpayers' Bill of Rights and Uniform Revenue Procedures Act, to amend Sections 40-2A-5, 40-2A-6, and 40-2A-10, Code of Alabama 1975, to provide for the issuance of expedited revenue rulings; to prohibit contingent fee arrangements for auditors and appeals officers; to prohibit government entities from charging a taxpayer with certain costs associated with an audit, except in limited circumstances; to authorize the exchange of audit information concerning a taxpayer between agencies and prescribe a fee for any information exchange; to prescribe a penalty for wrongful disclosure of taxpayer information; to add Sections 40-2A-12 and 40-2A-13 to Title 40, Chapter 2A, to provide for the licensing and bonding of private auditing firms working on behalf of local governments; to require auditors to meet professional continuing education requirements; to clarify procedures for issuing refunds to taxpayers; to limit the frequency of audits; to require written disclosure to the taxpayer of the identity of the government entities represented by the auditor; to provide certain other taxpayer audit protections; and to prescribe penalties for violation of the act.

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By Representative Dolbare:

H. 711. To exempt all property owned and used by the Clarke County Historical Society from any state, county, and local ad valorem taxes and to exempt the Clarke County Historical Society from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Warren (With Notice and Proof):

H. 712. Relating to Conecuh County; to amend Section 2 of Act No. 88-281, p. 436, 1988 Regular Session, to authorize the county commission to pay additional amounts from the county general fund to Willie Lee Powell so long as the funds are available.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 712, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Clouse (With Notice and Proof):

H. 713. Relating to Dale County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; and defining the authority, powers, and duties of the county engineer and county commission.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 713, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M):

H. 714. Relating to the Fair Campaign Practices Act; amending Sections 17-22A-4, 17-22A-8, 17-22A-9, and 17-22A-21, Code of Alabama 1975, to provide further for the reporting of campaign contributions and expenditures by candidates, principal campaign committees, and political committees; to provide for the membership of principal campaign committees; to provide for the reporting requirements for political committees; to prescribe penalties for violations of this act; and to modify the venue and statute of limitations provisions for enforcement of this act.

COMMITTEE ON CONSTITUTION AND ELECTIONS

By Representative Parker (P):

H. 715. To propose an amendment to the Constitution of Alabama of 1901 that would repeal Amendment 448 of the Constitution of Alabama of 1901, requiring the Legislature to pass and present to the Governor all appropriation bills for the ordinary expenses of the executive, legislative, and judicial departments of the state, payment of the public debt, and education, prior to passing any other bills.

COMMITTEE ON CONSTITUTION AND ELECTIONS

The above bill was read a first time at length as required by the Constitution.

By Representative Thomas (J):

H. 716. To amend Section 36-27-48.1 of the Code of Alabama 1975, to provide further for purchase of service credit in the Employees' Retirement System for service for which a position was excluded from participation in the system.

COMMITTEE ON WAYS AND MEANS

By Representatives Spratt, Hilliard, Rogers (J), Perdue, and Houston (With Notice and Proof):

H. 717. Relating to any Class 1 municipality; to provide after a referendum election on the subject, for the election of the city board of education from four single-member districts with the chair elected from a fifth district extending throughout the city; to provide for the date of the referendum and board election; and to provide for the qualifications of candidates and the terms of office of elected board members.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 717, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Page, Ford, Hinshaw, Perdue, Rogers (J), McAdory, Parker (P), and Morrow:

H. 718. Proposing an amendment to the Constitution of Alabama 1901, relating to the signature by the Governor on bills passed by the Legislature; to require witnessing of the Governor's signature by two persons or by a notary public or other officer authorized to acknowledge oaths.

COMMITTEE ON STATE ADMINISTRATION

The above bill was read a first time at length as required by the Constitution.

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By Representatives Lindsey, Morrison, Murphree, Smith, Rogers (M), and McDaniel:

H. 719. To amend Sections 40-21-83 and 40-21-103, Code of Alabama 1975; to provide further for exclusions from the gross receipts of utilities.

COMMITTEE ON WAYS AND MEANS

By Representatives Houston, McAdory, Johnson (E), Perdue, Rogers (J), Spratt, Hilliard, Melton, Jackson, Black (M), Guin, Morrison, Hawk, McDaniel, Page, Minnifield, Mitchell, Newton (D), Baker, Johnson (R), Buskey, Warren, and Thomas (J):

H. 720. To provide for purchase of prior service credit in the Employees' Retirement System in a certain manner by certain members of the system.

COMMITTEE ON WAYS AND MEANS

By Representatives Morrison and Murphree:

H. 721. To provide for distinctive motor vehicle license plates for supporters of the Rotary International; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Clouse, Gaston, Hall (A), Carothers, Seibenhener, Vance, Laird, Hogan, McKee, Wren, Black (M), Hayden, Parker (P), Dean, Allen, Hill, Hammett, Crigler, Johnson (E), Newton (C), Baker, Papucci, Johnson (R), Layson, Moore, Murphree, and Burke:

H. 722. To amend Sections 31-9-2, 31-9-6, 31-9-7, 31-9-8, 31-9-9, 31-9-10, 31-9-14, 31-9-16, 31-9-17, 31-9-18, and 31-9-21 of the Code of Alabama 1975; to redefine mutual interstate aid agreements and compacts to incorporate the Southern Governor's Association Southern Regional Emergency Management Compact for mutual assistance between states; to provide for civil defense in emergency situations; to expand the powers and duties of the Governor; and to repeal Section 31-9-12 of the Code of Alabama 1975, relating to reimbursement of expenses of operation of mobile support units.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Guin and Hogan:

H. 723. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Walker County, except for the chief deputy, to the authority of the Walker County Civil Service Board.

COMMITTEE ON LOCAL LEGISLATION NO. 1

The above bill was read a first time at length as required by the Constitution.

By Representative Willis:

H. 724. To amend Sections 32-6-192 and 32-6-195 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to members of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America; to provide that a distinctive license tag or plate may be issue to the wife or widow of a member of the Ancient Arabic Order of Nobles of the Mystic Shrine for North America or to any person who holds a membership courtesy card validated by any shriner organization; and to provide for the return of the distinctive license tag or plate; to amend Section 32-6-302 of the Code of Alabama 1975, relating to the issuance of distinctive license tags or plates to certain educators and retired educators; to allow spouses of the educators to purchase the distinctive license tags or plates.

COMMITTEE ON WAYS AND MEANS

By Representative McDaniel:

H. 725. Authorizing the Director of the Department of Transportation to prescribe a limit on the indirect cost rate the department may be charged by certain consulting firms providing certain services to the department; providing that the director may accept or reject certain audits of the firms; and providing for confidentiality of the audits.

COMMITTEE ON STATE ADMINISTRATION

By Representative Laird:

H. 726. Providing that certain surplus funds of certain state agencies, boards, and commissions shall revert to the State General Fund at the end of each fiscal year.

COMMITTEE ON WAYS AND MEANS

By Representatives Carothers and Johnson (R):

H. 727. Relating to the restrictions on use of the terms "psychological," "psychologist," or "psychology" in a person's title, to amend Section 34-26-40, Code of Alabama 1975, to provide for an exception for persons qualified under the state merit system.

COMMITTEE ON HEALTH

By Representatives Jackson, Baker, Seibenhener, Vance, Mitchell, Hilliard, Houston, Melton, Spratt, Johnson (E), McAdory, Rogers (J), Perdue, Newton (D), Hall (L), Thomas (J), Hayden, and Boyd:

H. 728. To provide for the imposition of a tax on the sale or transfer of any bond, stock, security, future, option, swap, or derivative.

COMMITTEE ON WAYS AND MEANS

REGULAR SESSION
10th Day

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By Representatives Flowers and Papucci:

H. 729. To amend Sections 22-21-274 and 22-21-275, Code of Alabama 1975, relating to the State Health Planning and Development Agency and the adoption of procedures for the review of applications for certificates of need and for the issuance of the certificate of need, to further provide for procedures; and to provide for appeals from the agency directly to the Montgomery County Circuit Court.

COMMITTEE ON HEALTH

By Representative Venable:

H. 730. Relating to public institutions of higher education under the control of a board of trustees or under the control of the State Board of Education; requiring the governing authority of these institutions to convert to a semester credit hour system; specifying common entry and exit periods; requiring the designation of certain calendar events; providing certain reporting requirements; and expressing legislative intent regarding application to constitutionally created boards of trustees.

COMMITTEE ON EDUCATION

By Representative Newton (D):

H. 731. To require the various insurance organizations providing protection, indemnity, or insurance or insurance contract service against hospital, medical, or surgical expenses, or health maintenance organizations to include screening for prostate specific antigen tests for certain males in policies or contracts issued after the effective date of this act.

COMMITTEE ON INSURANCE

By Representative Curry:

H. 732. To exempt the Community Fire Development, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 733. To amend Section 8-8-10, Code of Alabama 1975, relating to interest on money judgments, so as to decrease the interest rate on certain money judgments from 12 to eight percent per annum.

COMMITTEE ON JUDICIARY

By Representative Moore:

H. 734. To amend Section 32-6-150, Code of Alabama 1975, relating to the issuance and sale of commemorative motor vehicle license plates and tags for colleges and universities; to authorize the issuance and sale of commemorative motor vehicle license plates or tags for Enterprise State Junior College.

COMMITTEE ON WAYS AND MEANS

By Representatives McMillan, Clark (J), Penry, McDaniel, Hamilton, Layson, Collins, Smith, Fuller, and Hammett:

H. 735. To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to provide further for the distribution of the additional revenue generated by the cap on the sales tax discount.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 736. To exempt Helping Hands of Enterprise, Alabama, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representative Moore:

H. 737. To exempt the Coffee County Humane Society from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican, Collins, Johnson (R), Dolbare, Dean, Turner, Rogers (M), Hill, Gaines, Thomas (D), Spratt, Boyd, Galliher, Payne, Lindsey, Hinshaw, Rogers (J), Hooper, Newton (D), Perdue, Willis, Guin, Minnifield, Carothers, and Wren:

H. 738. To amend Section 36-26-35, Code of Alabama 1975, relating to the accrual of annual leave by state employees, to provide further for the leave accrued by law enforcement officers in the Department of Public Safety.

COMMITTEE ON WAYS AND MEANS

By Representative Parker (T) (With Notice and Proof):

H. 739. To establish procedures for Class 4 municipalities organized under Chapter 44B of Title 11 of the Code of Alabama 1975, to delete nonurban territory

from its police jurisdiction or planning jurisdiction; to provide for public hearings to consider the issue; to provide for public notice and advertisement of the public hearings; to require notice to the county commission and authorizing the county commission to approve or disapprove of the same; to provide for the adoption of an ordinance deleting certain territory from the respective police jurisdiction or planning jurisdiction of the municipality subject to the limitation that the ordinance shall not take effect for a period of 90 days from the date of its adoption and that no territory may be deleted which has been designated as an "urban area" according to the preceding Federal Decennial Census; to provide that in the areas deleted from the police jurisdiction, the municipality shall cease collecting license taxes and sales taxes and use taxes pursuant to Sections 11-51-91 and 11-51-206 of the Code of Alabama 1975, and that any licenses collected shall be prorated; to provide that the municipality shall also terminate services within the territory deleted from the municipality and that the termination on the levy and collection of license taxes, sales taxes and use taxes, or services shall not subject the municipality to liability or damages arising out of or associated with the decision nor shall the action or statutes be construed to obligate or compel the municipality to continue to provide the services; to provide that the deletion of territory will not affect certain mutual aide agreements, emergency rescue agreements, or joint law enforcement activities; to provide that certain other sources of revenue within the territory are preserved to the extent that they have been implemented by other legislative enactments or amendments thereto; to provide that any municipality deleting territory from its planning jurisdiction shall not, after the effective date of the ordinance, exercise planning commission control in any area located in the territory; to provide that municipalities which elect to delete certain territory from its respective police jurisdiction or planning jurisdiction are not limited to or restricted in providing water, sewer, or solid waste services within the territory; to provide that nothing in the act shall prohibit the municipality from subsequently annexing any territory deleted, but that any subsequent annexations shall not re-extend the municipality's respective police jurisdiction or planning jurisdiction over territories which have been deleted therefrom pursuant to this act; and to provide that the municipality shall delete code enforcement services from the territories.

COMMITTEE ON LOCAL LEGISLATION NO. 6

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 739, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T):

H. 740. To provide for distinctive motor vehicle license plates for members of the Alabama Association of Realtors; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Millican, Collins, Guin, Murphree, Carter, Ford, Burke, White, Laird, Johnson (R), Hogan, Letson, Vance, Jackson, Mitchell, Buskey, Reed, Layson, Maull, Baker, Seibenhener, Hall (L), Morrison, Jorgensen, Smith, Dukes, Payne, Clark (J), Houston, McDaniel, Graham, Clark (W), Hamilton, Bandy, Dean, Turner, Hall (A), Rogers (M), Hill, Thomas (D), Parker (P), Spratt, McAdory, Boyd, Thomas (J), Warren, Galliher, Lindsey, Hinshaw, Melton, Rogers (J), Hooper, Newton (D), Perdue, Willis, Hilliard, Hawk, Carothers, McClammy, McKee, Wren, and Townsend:

H. 741. Relating to the Executive Director of the Alabama Commission on Higher Education; requiring the executive director to be subject to Senate confirmation every fourth year, beginning in the Regular Session of 1998; amending Section 16-5-4 of the Code of Alabama 1975, as amended by Act 96-497 of the 1996 Regular Session.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Millican, Johnson (R), Turner, Boyd, Gipson, Seibenhener, Hall (L), Hawk, Dolbare, Melton, Letson, Hill, Perdue, Galliher, Allen, Morrison, Sims, McMillan, Willis, Laird, Minnifield, Moore, Turnham, Hawkins, Payne, Hilliard, Newton (D), Penry, Rogers (M), Burke, Hinshaw, White, Gaines, Page, and Starkey:

H. 742. To add Section 27-50-1 to Title 27, Code of Alabama 1975; to provide for reimbursement or payment by a third party for services performed by certified registered nurse practitioners or certified nurse midwives.

COMMITTEE ON INSURANCE

By Representatives Wren, McDaniel, Gipson, and Curry:

H. 743. To add provisions to Chapter 2B, Title 40, Code of Alabama 1975, to provide for the creation and operation of the Alabama Tax Appeals Commission, to hear appeals of matters administered by the Department of Revenue and appeals of certain local tax matters; to amend Sections 40-2A-3, 40-2A-4, 40-2A-7, 40-2A-8, 40-2A-10, and 40-2A-11, Code of Alabama 1975, for purposes of conformity and technical corrections, and to abolish the Administrative Law Division of the Department of Revenue; and to repeal Section 40-2A-9, Code of Alabama 1975.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Hill, Robinson, Morrison, Millican, Laird, Buskey, Knight (J), Seibenhener, Sanderford, Payne, Melton, Layson, Carter, Johnson (R), McKee, Baker, Warren, Hogan, Dean, Vance, Jackson, McMillan, Gaston, Clouse, Carothers, White, Venable, Burke, Drake, Flowers, Morrow, Page, Galliher, Thomas (D), Smith, Dukes, Hall (A), Petelos, Minnifield, Papucci, Gipson, Morton, Curry, Jorgensen, Hall (L), Graham, Rogers (M), Starkey, Spratt, Black (M), Guin, McDaniel, Murphree, Hinshaw, Allen, Perdue, Townsend, Carns, Houston, Holmes, Dolbare, Hamilton, McClammy, Willis, Boyd, Sims, Parker (P), Hawk, and Hammett:

H. 744. Relating to the public schools; to honor the life and public service of Representative Sam Letson of Lawrence County, deceased, by establishing the framework for Letson Grants; to authorize the Legislature to make appropriations in any amount it deems appropriate for Letson Grants; to define certain terms; to establish the rules and procedures for applying for, disbursing, and receiving grants; to rename the Alabama Education Foundation for Kindergarten through Grade Twelve Public Schools, the Foundation for Local Schools; to conform to changes provided in this law provisions relating to the funds of the foundation concerning investment, withdrawal, reinvestment of earnings, expenditure restrictions, withdrawal timelines, incorporation and certificate of incorporation, and procedures in instances of closure or merger of a school system; to provide for the refunding of the principal sum upon petition; to provide for treatment of community schools; to provide for the dissolution of the foundation; to specify the duties of the State Superintendent of Education and the Chief Executive Officer of the Teachers' Retirement System; to permit the acceptance of private gifts; to specify the board of control as the incorporator of the foundation; to alter distribution of the proceeds of the state-sponsored credit card program; to permit the financial institution which administers the state-sponsored credit card program to rename the credit card; to amend Sections 16-26C-1, 16-26C-2, 16-26C-4, 16-26C-6, 16-26C-8, 16-26C-9, 16-26C-13, 5-23-4, and 5-23-5 of the Code of Alabama 1975; and to repeal Section 16-26C-5 of the Code of Alabama 1975, relating to the Board of Trustees of the Alabama Education Foundation for Kindergarten through Grade Twelve Public Schools; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Hale:

S. 454. To amend Sections 34-8-1, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors and to provide for a delayed effective date.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 454. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Windom:

S. 66. To amend Section 32-6-360 of the Code of Alabama 1975, relating to distinctive license tags or plates bearing the words "Fraternal Order of Police"; and to provide that only active members of the Fraternal Order of Police would be eligible to receive the distinctive license tags.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 66. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Mitchell:

S. 160. Relating to Troy State University; amending Sections 16-56-1 through 16-56-12, inclusive, Code of Alabama 1975; repealing Sections 16-56-13 through 16-56-15, inclusive, Code of Alabama 1975; changing the name to the Troy State University System; specifying the purposes of the university system; specifying the authority of the university system to borrow money and incur obligations; prescribing the powers, duties, authority, and compensation of the board of trustees; providing for the reorganization of the board of trustees, the election of a president pro tempore, and the operation of the board; providing for the appointment of a chancellor of the university system; authorizing the board of trustees to promulgate rules and procedures; providing for vacancy on the board of trustees; and repealing certain existing provisions relating to nursing scholarships.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 160. Education.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Freeman, Bedford, Mitchell, Denton, Butler, Davidson, Bailey, Lindsey, Smitherman, Steele, Dixon, Langford, Biddle, Amari, Windom, Armistead, Clay, Dial, Escott-Russell, Hale, Smith, Lipscomb, and Waggoner:

S. 37. To provide for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year beginning October 1, 1997.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 37. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Smitherman:

S. 361. To amend Section 9-15-82, Code of Alabama 1975, to exempt transfers of real property from the state, or certain kinds of agencies, institutions, and components thereof to municipalities and counties or to boards, authorities, or agencies thereof or to non-profit corporations controlled by directors who are municipal or county officers, or who are appointed by the governing bodies of municipalities or counties, by members of the State Legislature, the Governor, or other state officials, and to permit such transfers by agreement if approved by the Governor.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 361. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Dixon:

S. 258. To amend Section 14-1-1.2 of the Code of Alabama 1975, relating to the Department of Corrections, to require the consent of the Legislature before a penal or corrections institution is leased, transferred, or placed under the management of a nongovernmental entity.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 258. Industrial Development and Economic Growth.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Langford:

S. 247. To amend Section 8-8-14, Code of Alabama 1975, to increase the monetary amount for surcharges.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 247. Banking.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Butler, Freeman, Denton, Smitherman, Hale, Dixon, Roberts, Biddle, Davidson, Waggoner, Amari, Adams, McClain, Clay, and Escott-Russell:

S. 438. To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 438. Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Waggoner:

S. 349. To amend Sections 34-40-3, 34-40-8, and 34-40-14, Code of Alabama 1975, relating to the Alabama Board of Athletic Trainers; providing for the membership on the board; providing for the duties and responsibilities of the board; providing for the employment of certain individuals; providing for reimbursement of expenses; requirements for the renewal of license; and to authorize grants to develop and promote athletic training programs and continuing education programs for athletic trainers.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 349. State Administration.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Butler:

S. 123. To amend Section 20-2-93 of the Code of Alabama 1975, relating to the seizure and forfeiture of property involving controlled substances, to allow the law enforcement agency to transfer seized real property or real estate to the Habitat for Humanity Organization within the area of the seized property.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 123. Judiciary.

RESOLUTIONS

The following resolution was introduced:

By Representatives Melton, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 205. COMMENDING MRS. JUDY HOLLAND AS SUPPORT STAFF PERSON OF THE YEAR.

The resolution, H.J.R. 205, was read and referred to the Standing Committee on Rules.

Also:

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Black (L):

H.R. 206. COMMENDING THE CONSOLATA MISSIONARY SISTERS FOR SELFLESS SERVICE TO OTHERS.

Also:

By Representative Papucci:

H.R. 207. COMMENDING THE MONROVIA MIDDLE SCHOOL CHEERLEADERS OF HUNTSVILLE, ALABAMA.

Also:

By Representative Newton (D):

H.R. 208. COMMENDING THE CITY OF BIRMINGHAM ON ITS 125TH ANNIVERSARY.

Also:

By Representative Johnson (E):

H.R. 209. COMMENDING MRS. EMMA JOHNSON (MAMA EMMA) OF THE PLEASANT VIEW MISSIONARY BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

Also:

By Representative Johnson (E):

H.R. 210. COMMENDING MRS. ELVIRA CARTER FOR OUTSTANDING SERVICE TO PLEASANT VIEW BAPTIST CHURCH, BIRMINGHAM, ALABAMA.

Also:

The following resolutions were introduced:

By Representative Newton (D):

H.J.R. 211. COMMENDING THE CITY OF BIRMINGHAM ON ITS 125TH ANNIVERSARY.

The resolution, H.J.R. 211, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Hooper and Ford:

H.J.R. 212. EXPRESSING SUPPORT FOR THE DISPLAY OF THE TEN COMMANDMENTS WITHIN A STATE COURTROOM.

The resolution, H.J.R. 212, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Lindsey, Black (M), Burke and Murphree:

H.J.R. 213. CONGRATULATING REPRESENTATIVE AND MRS. JAMES KENNETH GUIN, JR., ON THE BIRTH OF THEIR SON, JAMES KENNETH GUIN, III.

The resolution, H.J.R. 213, was read and referred to the Standing Committee on Rules.

Also:

By Representatives Sanderford, Haney, Starkey and Smith:

H.J.R. 214. ENCOURAGING THE ALABAMA COMMISSION ON HIGHER EDUCATION, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA, THE DEPARTMENT OF POSTSECONDARY EDUCATION, AND THE STATE'S INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT THE ESTABLISHMENT OF "LEARNING IN RETIREMENT" INSTITUTES AND ORGANIZATIONS.

The resolution, H.J.R. 214, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Bedford:

S.J.R. 68. COMMENDING JOYCE MARTIN FOR DISTINGUISHED SERVICE TO THE WINSTON COUNTY CIRCUIT COURT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 68, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Joint Resolution mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 1:27 p.m. on March 6, 1997.

H.J.R. 112

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Burke, the House adjourned until 1:00 o'clock p.m., Tuesday, March 11, 1997.

Yeas 49; Nays 29.

Yea:

Representatives Allen, Baker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Carter, Clark (W), Dolbare, Flowers, Guin, Hammett, Haney, Hawk, Hawkins, Hayden, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Newton (C), Parker (T), Payne, Penry, Rogers (J), Sanderford, Sanderson, Sims, Spratt, Thomas (J), Townsend, Turnham, Venable and Willis.

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Nay:

Representatives Clouse, Collins, Crigler, Curry, Dean, Gaines, Gaston, Gipson, Hall (A), Hill, Hilliard, Jorgensen, Knight (A), Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Page, Papucci, Parker (P), Perdue, Petelos, Pringle, Smith, Thomas (D), Vance and Wren.

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**REGULAR SESSION
11th Day**

919

ELEVENTH DAY

**House of Representatives
Montgomery, Alabama
Tuesday, March 11, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Danny Ellis, First Baptist Church, Irvington, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Rita Ellis, Irvington, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the tenth legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the tenth legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 9:15 o'clock a.m. on Thursday, March 13, 1997, and the motion was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 205. COMMENDING MRS. JUDY HOLLAND AS SUPPORT STAFF PERSON OF THE YEAR.

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes Mrs. Judy Holland as recipient of the Chancellor's Award for Outstanding Support Staff Member of the Year; and

WHEREAS, over her dedicated tenure at Shelton State which spans some nineteen and a half years, Judy Holland has served as secretary to the Business Manager and to the Dean of Instruction and, most recently, as secretary to the Dean of Technical Programs since 1983; and

WHEREAS, Judy Holland has that unique combination of talent, knowledge, and personality that has made her a tremendous asset to Shelton State; as secretary of the technical services division, she has worked tirelessly and diligently in the best interest of the college and has been greatly admired as a loyal, supportive, and dedicated employee, and most highly regarded for the professional and responsible manner in which she has undertaken and discharged her many duties and responsibilities; and

WHEREAS, in addition to her career responsibilities, Judy Holland has been equally as dedicated as a devoted wife and mother, and in service to her profession and community as an energetic member of PTA, an eager participant in Band Boosters, and a volunteer for the Kentuck Association; in membership on the executive committee of the AEA Support Staff Group, the Implementation Design Team, and on many college committees; and as an active member of Carrolls Creek Baptist Church where she has served as a Sunday School teacher and as a volunteer in the nursery, among numerous other endeavors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as recipient of the Chancellor's Award for Outstanding Support Staff Member of the Year, we hereby most highly commend Mrs. Judy Holland, and direct that she receive a copy of this resolution as a measure of our tribute and esteem.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 205, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 211. COMMENDING THE CITY OF BIRMINGHAM ON ITS 125TH ANNIVERSARY.

WHEREAS, the City of Birmingham is celebrating its 125th Anniversary, and it is appropriate at this time to highlight its history of achievements and to underscore the positive impact that it has had on the communities it serves; and

WHEREAS, as a result of the dreams and visions of our forefathers, the City of Birmingham, now the largest city in Alabama, was incorporated on December 19, 1871, and provides impressive sites of interest including the Birmingham Museum of Art, Birmingham Civil Rights Institute, and Southern Museum of Flight, among others; and

WHEREAS, known as the "Magic City," the people of Birmingham are fortunate to be served by educational institutions the caliber of Samford University, Birmingham-Southern College, Miles College, and the University of Alabama at Birmingham that have proven themselves to be a healthy and positive force within the community; and

WHEREAS, building on hard work, creativity, and innovation, the citizens of Birmingham have indeed enhanced their quality of life, as well as contributed significantly toward the growth and prosperity of their municipality and the entire state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that the City of Birmingham is congratulated on its 125th Anniversary, and commended for the invaluable contributions and opportunities that it has provided throughout the years to area residents and the citizens of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Richard Arrington, Jr., Mayor of the City of Birmingham, for appropriate display with sincere best wishes for its continued success in the future.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 211, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 213. CONGRATULATING REPRESENTATIVE AND MRS. JAMES KENNETH GUIN, JR., ON THE BIRTH OF THEIR SON, JAMES KENNETH GUIN, III.

WHEREAS, it is with great pleasure and heartiest congratulations that Representative and Mrs. James Kenneth Guin, Jr., are recognized on the birth of their son, James Kenneth Guin, III, on February 14, 1997; and

WHEREAS, weighing in at eight pounds, James Kenneth Guin, affectionately known as "J. K.," is indeed blessed to have been born to Ken and Tanya Guin, who have worked diligently as individuals and as a couple to develop those qualities that form the basic foundation upon which a child can develop his or her greatest potential; and

WHEREAS, the birth of a child is indeed an occasion of great happiness for the baby's parents, extended family and friends, and we are especially pleased to celebrate such an event with our special friends, Ken and Tanya Guin; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we again extend congratulations to Representative and Mrs. James Kenneth Guin, Jr., on the birth of their new son, and do further direct that they receive a copy of this resolution of sincere personal regard.

BE IT FURTHER RESOLVED, That a copy of this resolution also be provided for their son, James Kenneth Guin, III, that he may later know of the happiness and joy we shared with his parents on the occasion of his birth.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 213, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 68. COMMENDING JOYCE MARTIN FOR DISTINGUISHED SERVICE TO THE WINSTON COUNTY CIRCUIT COURT.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 68.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 214. ENCOURAGING THE ALABAMA COMMISSION ON HIGHER EDUCATION, THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA, THE DEPARTMENT OF POSTSECONDARY EDUCATION, AND THE STATE'S INSTITUTIONS OF HIGHER EDUCATION TO SUPPORT THE ESTABLISHMENT OF "LEARNING IN RETIREMENT" INSTITUTES AND ORGANIZATIONS.

WHEREAS, the community of retired and semiretired persons in Alabama is constantly increasing in number, and a great many of those persons are active, curious, thoughtful, healthy, and knowledgeable; and

WHEREAS, a substantial portion of this retired community consists of persons with lifelong experiences and educational backgrounds in the professions, the arts, and in business and industry; and

WHEREAS, many of these retired persons are active in the responsibilities of a concerned citizenship, in volunteering, and in contributing to their local communities; and

WHEREAS, this segment of the retired community has the will and experience to manage its affairs and accordingly, desires the pursuit of educational programs that are created, designed, and taught by volunteers who are retired members through membership-governed institutes sponsored by universities and colleges, where the members of these institutes explore higher learning at their own pace, without the need for degrees, grades, or examinations, but simply because they want to continue learning; and

WHEREAS, these institutes draw on the accumulated lifetime experience of their members; the members themselves develop and design their own studies, participate in the necessary work of inquiry and reading, stimulate meaningful discussion, set achievable educational objectives, and carry out the planning and governing of their own activities within, and in support of, their sponsoring institutions; and

WHEREAS, this college-level "Learning in Retirement" movement in the United States has grown rapidly and seeks to gain broader recognition as a mutually beneficial association with universities and colleges through the establishment of member-driven institute learning programs designed for the "Third Age" of retired senior citizens; and

WHEREAS, it is essential to encourage support for membership-driven institutes, and their access to needed campus facilities to ensure success and, in the process, to contribute to the continued mental and physical health of retired senior citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the Alabama Commission on Higher Education, the Board of Trustees of the University of Alabama, the Department of Postsecondary Education, and the state's institutions of higher education, to look with favor on the establishment of campus-related, membership-driven, "Learning in Retirement" types of organizations or institutes.

RESOLVED FURTHER, That the governing boards of the state's institutions of higher education are encouraged to provide lists of qualified personnel, consistent with statutory provisions and institutional policies, on their respective campuses who may be contacted by interested parties to initiate discussions on the possibility of establishing these member-driven learning organizations.

FURTHER RESOLVED, That copies of this resolution be transmitted to the Alabama Commission on Higher Education (ACHE), the Board of Trustees of the University of Alabama, the Department of Postsecondary Education and that ACHE distribute a copy of this resolution to each of the state's major institutions of higher education.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 214, was adopted.

BILLS ON SECOND READING

Representative Hill, Chairperson of the Standing Committee on Banking, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

S. 247. To amend Section 8-8-14, Code of Alabama 1975, to increase the monetary amount for surcharges.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 693. (With Amendment): To amend Section 25-5-293, Code of Alabama 1975, relating to educational seminars associated with workers' compensation claims, to provide further for the deposit and expenditures of the registration fees.

Representative Knight (A), Chairperson of the Standing Committee on Commerce, Transportation and Utilities, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 185. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

Representatives Minnifield and Petelos, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 682. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Fairfield in Jefferson County and may provide further for the operation of the board.

The above bill was read a second time at length as required by the Constitution.

H. 528. Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

Representatives Minnifield and Petelos, Co-Chairpersons of the Standing Committee on Local Legislation No. 2, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 309. (With Amendment): Relating to Class 1 municipalities; to provide subject to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

Representative Turnham, Chairperson of the Standing Committee on Local Legislation No. 8, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 564. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

The above bill was read a second time at length as required by the Constitution.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute, and it was read a second time and placed on the Calendar, to-wit:

H. 427. (With Substitute): To provide for extended seasons for deer hunting with dogs and for stalk deer hunting; and to provide for the Commissioner of the Department of Conservation and Natural Resources to issue appropriate rules and regulations.

Representative Reed, Chairperson of the Standing Committee on Public Welfare, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 520. (With Amendment): Establishing the Consent for Abortion Act; prohibiting the performance or inducement of an abortion without voluntary and informed consent and specifying what constitutes such consent; amending Section 26-21-3, Code of Alabama 1975, to require the signature of a parent, legal guardian, or adoptive parent of a minor to a consent form to be signed in the presence of the abortion provider or agent and to be accompanied with specific identification and evidence, and to provide for certain alternative identification and evidence requirements; to require certain documents proving that a minor is emancipated to be certified by the appropriate issuing authority; to prohibit a parent, legal guardian, custodian, or any other person from coercing a minor to have an abortion performed; to provide that the State Department of Public Health develop appropriate forms for the consent and emancipation; requiring the Department of Public Health to publish certain materials regarding abortions and alternatives; providing for emergency situations; requiring that only a physician may perform abortions; prescribing criminal penalties and for license suspension of abortion centers; providing for certain civil actions including professional disciplinary actions and license suspension; providing for the right of intervention; and providing for a specific construction and a delayed effective date.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Fuller:

H. 745. To make an appropriation of \$261,317 from the State General Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998.

By Representative Fuller:

H. 746. To provide for the establishment of the employer rate and for a certain reserve in the health insurance fund administered by the State Employees' Insurance Board.

COMMITTEE ON WAYS AND MEANS

By Representative Willis (With Notice and Proof):

H. 747. Relating to the City of Jacksonville in Calhoun County; to provide the term of the members of the city board of education would run from October of even years; and for this purpose extending the term of members.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 747, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Robinson (With Notice and Proof):

H. 748. Relating to Jackson County; amending Section 4 of Act No. 89-265, H. 523 of the 1989 Regular Session (Acts 1989, p. 389), to remove the prohibition against the directors and chair serving more than two terms.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 748, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Robinson (With Notice and Proof):

H. 749. Relating to Jackson County; amending Act 79-349, H. 761, 1979 Regular Session, as amended, relating to the severance tax on coal, to provide further for the tax.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 749, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

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By Representative Clark (J) (With Notice and Proof):

H. 750. Relating to Barbour County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the deposit, distribution, and auditing of the profits; and confirming and ratifying certain prior actions.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 750, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives McDaniel and Hawk (With Notice and Proof):

H. 751. To amend Section 1, Act 86-564, H. 806, 1986 Regular Session, as amended, which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1999; and to provide for a retroactive effect.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 751, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Graham:

H. 752. To make a supplemental appropriation from the Education Trust Fund in the State Treasury to the State Department of Education for Project Citizen, in the amount of \$10,000 for the fiscal year ending September 30, 1997.

COMMITTEE ON WAYS AND MEANS

By Representative Penry:

H. 753. To exempt the Salem Housing Corporation, Salem Nursing and Rehabilitation Center of Tuskegee, Salem Nursing and Rehabilitation Center of Reform, Incorporated, and Grace Healthcare, Incorporated, from the payment of all state, county, and municipal sales and use taxes.

COMMITTEE ON WAYS AND MEANS

By Representatives Penry and Burke:

H. 754. To provide for the regulation and licensure of bona fide coin operated amusement machines; provide for master licenses and fees; to provide for refunds; to provide for grounds for reprimand or refusal to issue, suspension, or revocation of licenses; to provide for notice and hearing; to provide for judicial review and appeal; to provide for powers, duties, and authority of the State Revenue Commissioner with respect to amusement machines; to amend Sections 40-12-223, 40-23-4, and 40-23-62, Code of Alabama 1975, relating to exemptions from sales and use tax and rental tax; to provide for all monies collected from master license fees and permit fees to be deposited in the Education Trust Fund; and to provide for criminal violations and penalties.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 755. To provide that a permanently and totally disabled person may receive, under certain conditions, a special lifetime free hunting license.

COMMITTEE ON AGRICULTURE, FORESTRY
AND NATURAL RESOURCES

By Representative McMillan:

H. 756. To amend Section 40-26-1, Code of Alabama 1975, to reduce from 30 days to 28 days the length of the continuous occupancy period necessary to qualify for exemption from transient occupancy tax and to provide for a retroactive effect.

COMMITTEE ON WAYS AND MEANS

By Representative Hinshaw:

H. 757. To amend Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education; and to establish other miscellaneous provisions relating to materials and supplies.

COMMITTEE ON EDUCATION

By Representatives Hooper, Maull, Gipson, Drake, and Sanderford:

H. 758. To provide for the issuance of a free license plate to a person who is over the age of 65 years, a veteran of the United States Armed Forces, and participated in a war in which the United States was a participant; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

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By Representatives Gipson, Turnham, Hooper, Carothers, Maull, Johnson (R), Baker, Clouse, Willis, Wren, Vance, Jackson, Penry, Gaston, Carter, and Smith:

H. 759. To amend Sections 34-29-61, 34-29-63 to 34-29-79, inclusive, 34-29-81 to 34-29-92, inclusive, and 34-29-94 of the Code of Alabama 1975, relating to the Alabama Veterinary Practice Act; to rename the board; to provide for an executive director, duties, and salary; to provide for an Administrative Code of the board; to provide for administrative hearings; to provide for actions to be brought in the Circuit Court of Montgomery County for the unauthorized practice of veterinary medicine; to provide for the issuance of temporary licenses; to provide for the use of unregistered assistants; and to specifically repeal Section 34-29-93 of the Code of Alabama 1975, relating to six months internship of applicants for licensing.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hinshaw:

H. 760. To amend Section 22-21-316 of the Code of Alabama 1975, relating to health care facilities and authorities; to provide further for the composition of board members; to provide an audit of the books and records of the authorities by the Examiners of Public Accounts; to repeal Section 22-21-319 of the Code of Alabama 1975, giving the health care authorities the power of eminent domain; to repeal Section 22-21-334 of the Code of Alabama 1975, exempting the members of a health care authority board or any of its officers or employees from the Ethics Act; to provide for open meetings of the board; to repeal Section 22-21-335 of the Code of Alabama 1975; exempting the authorities from the competitive bid laws; and to repeal Section 22-21-352 of the Code of Alabama 1975, relating to further provisions of amending certificates of incorporation or reincorporation.

COMMITTEE ON HEALTH

By Representative Johnson (R) (With Notice and Proof):

H. 761. Relating to Talladega County; to provide for the operation and management of an inmate commissary at the county jail.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 761, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Millican (With Notice and Proof):

H. 762. Relating to Marion County; to repeal Act 81-475, H. 883, 1981 Regular Session (Acts 1981, p. 825), which authorized the Marion County Board of Education to set the salary of the superintendent of education in June of 1981.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 762, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Hill:

H. 763. To provide for distinctive motor vehicle license plates for members of the Home Builders Association of Alabama, Inc.; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Townsend, Carns, Murphree, Jorgensen, McKee, Maull, Flowers, and Hooper:

H. 764. Relating to insurance, to provide further for the regulation of health insurance by authorizing the Commissioner of Insurance to create a high risk pool to provide health insurance coverage to eligible individuals to be called the Alabama Health Insurance Plan, and also to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience; to provide a premium tax offset for insurers funding the plan; to provide immunity to insurers participating in the plan; to exempt the plan from any taxation, and to provide an effective date.

COMMITTEE ON INSURANCE

By Representative Hayden (With Notice and Proof):

H. 765. Relating to Hale County; to levy an additional tax on beer and provide for distribution of the proceeds.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 765, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Burke, Black (M), Lindsey, Morrison, Dukes, Graham, McDaniel, Jorgensen, Murphree, Guin, Hawk, Morrow, Drake, Starkey, Hammett, Turnham, Flowers, Carothers, Millican, Clouse, Smith, Willis, and Ford:

H. 766. To provide for distinctive motor vehicle license plates to honor poultry and egg producers; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Ford, Robinson, Morrow, Murphree, Willis, and Burke:

H. 767. To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding, in the case of bonds other than refunding bonds, \$700,000,000 aggregate principal amount of bonds; to authorize the Authority, subject to certain findings and determinations, to issue and sell refunding bonds to refund bonds issued by the Authority under the provisions of this act; to provide for the details and the method of execution of the said bonds; to provide that bonds shall be sold at public sale and that the Authority shall determine the manner, terms and conditions of such sale, and to make other provision respecting such sale and the permitted uses, applications and investments of proceeds from the sale of bonds including refunding bonds; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to allocate proceeds of bonds to pay construction costs of projects identified in the Act and to permit the authority and the department of transportation to allocate and reallocate such proceeds to other projects under certain circumstances specified herein; to permit the authority and the department of transportation to enter into agreements respecting the disbursement of proceeds of bonds; to provide that bonds issued under this Act shall not create an obligation or debt of the State but shall be limited obligations payable solely out of the revenues of the Authority appropriated and pledged therefor; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds identified in this act to the extent necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys appropriated and pledged in this Act for such purpose; to preserve prior pledges and covenants by the state; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the disbursement of moneys pledged for payment of said bonds; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

COMMITTEE ON WAYS AND MEANS

By Representative Page:

H. 768. To amend Section 36-1-4.2 of the Code of Alabama 1975, to provide for payroll deductions for certain public employees.

COMMITTEE ON STATE ADMINISTRATION

By Representative Page:

H. 769. Providing for the election of members of city and county personnel boards and for certain grievance procedures and appeals of certain decisions of local personnel boards.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Rogers (M):

H. 770. To exempt the Knox Concert Series in Anniston from the payment of all state, county, and municipal sales and use taxes and to exempt the Knox Concert Series from collecting amusement sales taxes on its ticket sales and concession sales.

COMMITTEE ON WAYS AND MEANS

By Representative Box:

H. 771. To create the Alabama Work Priority Program; to provide for development and implementation of the program by the state to meet federally mandated work requirements; to encourage participation by the private sector in the program; to detail the expectations for participants in the program; to provide employer incentives for hiring program participants; and to provide an appeals process for participants denied benefits under the program.

COMMITTEE ON STATE ADMINISTRATION

By Representative Box:

H. 772. To establish the Mutual Responsibility for Work Act of 1997; to provide for administration by the State Department of Human Resources; to specify the time limit of TANF benefits; to provide for the parent to engage in an allowable work activity with exceptions; to authorize the department to create a statewide work program for TANF recipients; to provide for a Mutual Responsibility Plan; to provide for the department to establish Individual Development Accounts; to require the naming of the father of a dependent; to exempt grandparents from child support payments; to provide for the conversion of family assistance benefits into wages; to amend Section 38-1-1 of the Code of Alabama 1975; and to provide an effective date.

COMMITTEE ON STATE ADMINISTRATION

By Representative Hall (L):

H. 773. Relating to the Department of Human Resources' public assistance program; to provide a deferment from work and work-related activity requirements for victims of domestic violence in certain situations; to excuse victims of domestic violence from cooperating in child support collection activities under certain conditions; to provide training for certain department employees; to clarify the types of evidence acceptable for proving domestic violence; and to require procedures for maintaining confidentiality of records.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Knight (J), McClammy, Baker, Jackson, Black (L), Hayden, Minnifield, Maull, Bandy, Mitchell, Hilliard, Spratt, Holmes, Hall (L), Page, Kennedy, Rogers (J), and Newton (D):

H. 774. Creating a grant program within the Department of Human Resources for improving the availability and quality of child care services; giving priority either to child care centers that serve welfare recipients or child care centers located in communities which are significantly underserved by existing child care programs; providing reporting requirements; and providing an appropriation for the fiscal year ending September 30, 1997.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Carothers, Johnson (R), Drake, Clark (J), Seibenhener, Clouse, Maull, Sims, White, Layson, Baker, Moore, Hooper, Dean, and Laird:

H. 775. To make further provision for the financing and construction of public roads and bridges in the State by the issuance of bonds by Alabama Highway Authority; to authorize the Authority to sell and issue from time to time not exceeding, in the case of bonds other than refunding bonds, \$700,000,000 aggregate principal amount of bonds; to authorize the Authority, subject to certain findings and determinations, to issue and sell refunding bonds to refund bonds issued by the Authority under the provisions of this act; to provide for the details and the method of execution of the said bonds; to provide that bonds shall be sold at public sale and that the Authority shall determine the manner, terms and conditions of such sale, and to make other provision respecting such sale and the permitted uses, applications and investments of proceeds from the sale of bonds including refunding bonds; to provide for the establishment, from such proceeds, of certain funds and for the use of such funds and any investment earnings thereon; to allocate proceeds of bonds to pay construction costs of projects identified in the Act and to permit the authority and the department of transportation to allocate and reallocate such proceeds to other projects under certain circumstances specified herein; to permit the authority and the department of transportation to enter into agreements respecting the disbursement of proceeds of bonds; to provide that bonds issued under this Act shall not create an obligation

or debt of the State but shall be limited obligations payable solely out of the revenues of the Authority appropriated and pledged therefor; to provide that said bonds may be used to secure deposits of funds of the state and its instrumentalities and agencies and shall be lawful for the investment of trust funds; to provide a mechanism for defeasance of said bonds; to appropriate and pledge funds identified in this act to the extent necessary to pay the principal of, premium, if any, and interest on said bonds; to authorize the Authority to pledge for payment of the said principal of, premium, if any, and interest on said bonds the moneys appropriated and pledged in this Act for such purpose; to preserve prior pledges and covenants by the state; to adopt certain provisions of the act of the Legislature creating the Authority; to provide for a covenant of the Legislature not to reduce below certain levels appropriated and pledged taxes and fees while any of said bonds are outstanding and unpaid; to authorize the disbursement of moneys pledged for payment of said bonds; to provide that if any portion of this Act is held invalid such holding shall not affect the validity of any other portion hereof; and to specify the effective date of this Act.

COMMITTEE ON WAYS AND MEANS

By Representative Knight (J):

H. 776. To amend Sections 41-10-450, 41-10-456, 41-10-458, 41-10-459, 41-10-461, 41-10-468, 41-10-471, 40-10-472, 41-10-474, Code of Alabama 1975, to expand the authority of the Alabama Building Renovation Finance Authority to include building construction, additions, demolition, parking lots and decks, open spaces, and public parks. To amend Section 41-10-461, Code of Alabama 1975, relating to the sale of bonds, to allow the authority to determine the basis of sale to effect the lowest borrowing cost and to allow for publication of a summary notice of sale.

COMMITTEE ON WAYS AND MEANS

By Representatives Hall (L), Kennedy, Box, Hawk, Minnifield, Graham, Houston, Boyd, Page, Newton (D), and Knight (J):

H. 777. Establishing the Family Assistance Program; providing for eligibility requirements and benefits levels; providing for the disregard of disability or supplemental security income in determining eligibility; providing for the disregard of personal savings accruing after eligibility is established; providing for the establishment of individual development accounts; denying assistance to certain individuals; prohibiting the employment of recipients in jobs if another individual has been laid off from the same or substantially equivalent job; providing for recipients to be engaged in work and providing for the requirement of work; requiring the assignment of child support; requiring for the establishment of paternity of a child born out-of-wedlock; providing for hearings to aggrieved persons under certain circumstance; prohibiting the collecting of overpayments; requiring child care for certain recipients; requiring transportation for recipients or reimbursement of transportation expenses for a certain period; providing for

Medicaid assistance for a certain period; authorizing the services of qualified public and private organizations to assist in operating the program; creating the Alabama Welfare Reform Policy Review Council; creating county assessment teams; requiring state agencies to recruit and hire welfare and food stamp recipients; informing recipients of the federal Earned Income Tax Credit; informing employers of the Work Opportunity Tax Credit; restricting the use and disclosure of information relating to recipients receiving assistance; amending Section 38-1-4 of the Code of Alabama 1975; and providing for penalties.

COMMITTEE ON STATE ADMINISTRATION

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hawkins, Sanderson and Thomas (D):

H.J.R. 215. MOURNING THE DEATH OF FREDERICK W. ULBRICHT OF BIRMINGHAM, ALABAMA.

WHEREAS, Frederick W. Ulbricht, who was president and chief executive officer of First Real Estate Corporation and a truly beloved member of the Birmingham Community and State of Alabama, died on March 7, 1997; and

WHEREAS, a native of Lakeland, Florida, Mr. Ulbricht was a graduate of the University Military School and served his country with honor in the United States Navy in Asia and Europe following World War II; and

WHEREAS, attaining the rank of captain, he also was the commanding officer of three ships, including the USS Mt. Katmai AE 16 during the Vietnam war, and garnered numerous medals and awards in recognition of his distinguished military accomplishments; and

WHEREAS, he received his B. S. degree from the University of North Carolina, Master's Degree in International Relations and Ph. D. from American University in Washington, D. C., and attended the Naval Post Graduate School; and

WHEREAS, after retiring from the Navy, Mr. Ulbricht was instrumental in building First Real Estate into the largest real estate firm in Alabama and in establishing the Real Estate Research Center at the University of Alabama; and

WHEREAS, known as a leader and visionary on the leading edge of trends in the real estate industry, he also assisted with writing the state's new real estate agency disclosure law, and was a member of Omega Tau Rho, an honorary fraternity of the National Association of Realtors; and

WHEREAS, serving on countless committees at the local, state, and national levels, Mr. Ulbricht also served his profession long and well in the Real Estate Brokerage Managers Council; and

WHEREAS, Mr. Ulbricht's hard work and dedication were recognized by his selection for the Birmingham Realtor of the Year Award in 1995, as well as the coveted David D. Roberts Award; and

WHEREAS, Mr. Ulbricht is survived by his loving wife, Martha Lee Ulbricht; devoted daughter, Christine Sherwin and husband, Chuck; sons, Fred Ulbricht, Jr., and wife, Patti; Lt. Cdr. Jonathan Ulbricht and wife, Maria; and six adorable grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deepest sympathy upon the death of Frederick W. Ulbricht and, by copy of this resolution, honor him for his illustrious record of personal, professional, public, and civic achievements, as well as the love and devotion he shared with family and friends.

On motion of Representative Hawkins, the rules were suspended and the resolution, H.J.R. 215, was adopted.

Also:

By Rules Committee:

H.R. 216. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Eleventh legislative day, Tuesday, March 11, 1997, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 288 (By Pringle)	9

State Docks, retirement incentive program, funding, cost-benefit analysis, Sec. 33-1-5.1 am'd.

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H. 14 (By Ford) 12

Habitual Offender Act, life without parole, provided in cert. cases, discretion to judge, review of prior sentences in cert. cases, Sec. 13A-5-9 am'd.

H. 405 (By Hall A) 46

Tax returns, electronic filing auth., Sec. 40-1-1 am'd.

H. 566 (By McMillan) 76

Plumbers and Gas Fitters Examining Bd., comp. incr., licensing regs. clarified, Secs. 34-37-4, 34-37-6 am'd.

H. 200 (By Johnson R) 22

Medicaid Agency, managed care contracts, exceptions to competitive bid process, appeals of bids to St. Health Officer, HMO's exempt from cert. filings

H. 201 (By Johnson R) 22

Medicaid Agency, managed care system, consideration of factors other than low bid in awarding contracts, approval of St. Finance Director, Secs. 22-6-7, 41-16-27 am'd.

H. 389 (By Buskey) 15

Discrimination in employment based on age, prohib.

H. 411 (By Morrow) 49

Secretary of State, fees for cert. services alt., Sec. 36-14-3 am'd.

H. 76 (By Fuller) 8

Driving under the influence, fines, \$100 fine for distribution to Impaired Drivers Trust fund, transferred to Sec. 32-5A-191, Sec. 32-5A-191 am'd., Act 96-705, 1996 Reg. Sess. am'd., Sec. 32-5A-191.1 repealed

H. 4 (By Wren) 41

General Fund Proration Prevention Fund, estab., method of withdrawal and repayment, approp.

H. 187 (By Perdue)	19
Competitive bids, amt. incr., Secs. 41-16-20, 41-16-21, 41-16-24, 41-16-50, 41-16-54 am'd.	
H. 188 (By Perdue)	19
Competitive bids on cert. contracts for personal property or contractual services, time period for contracts extended, Sec. 41-16-27, 41-16-57 am'd.	
H. 295 (By Boyd)	53
Chemical weapons, regulation of disposal as hazardous wastes by Environmental Management Dept., Chemical Weapons Destruction Limitation Act	
H. 533 (By Willis)	91
Southern longleaf pine species desig. as official st. tree, Sec. 1-2-12 am'd.	
H. 27 (By Drake)	40
Court reporters, comp. alt., Sec. 12-17-274 am'd	
H. 243 (By Millican)	79
Barbers, definition expanded to include cosmetology services, Sec. 22-17-1 am'd.	
H. 262 (By Laird)	38
Legislature, membs. paid per diem for in-state travel in official business of st., Sec. 36-7-20 am'd.	
H. 156 (By Lindsey)	55
Postsecondary Education Dept. and two-year colleges, officers and employees auth. prepaid travel expenses, Sec. 36-7-23 am'd.	
H. 157 (By Black M)	56
Postsecondary education, two-year colleges, presidents may donate surplus personal property to public high schools, records required	

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H. 333 (By Turner)

98

Fishing licenses, lifetime resident saltwater fishing license provided, combination license with freshwater, fee, deposit in Marine Resources Endowment Fund, invest, use

H. 431 (By Turner)

98

Fishing, commercial fishing license, person age 65 or older exempt, Sec. 9-11-141 am'd.

H. 525 (By Turner)

89

Fishing in private waters without license, penalty, Sec. 9-11-91 am'd.

H. 526 (By Turner)

89

Fishing, one-day permit for cert. groups for organized fishing event, commissioner of Conservation and Natural Resources Dept. may issue

H. 527 (By Turner)

90

Game and Fish Division of Conservation and Natural Resources Dept., auth. to collect fees for lists of licensees

On motion of Representative Carter, the resolution, H.R. 216, was adopted.

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Pringle, the Budget Isolation Resolution relating to the bill, H. 288, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-72

S. 63 SUBSTITUTED FOR H. 288

In accordance with House Rule 20 and on motion of Representative Pringle, the bill, S. 63, was substituted for the bill, H. 288.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Pringle, the Budget Isolation Resolution relating to the bill, S. 63, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-81

And the bill:

S. 63. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

was taken up.

AMENDMENT OFFERED

Representative Pringle offered the following amendment to the bill, S. 63:

Amend Senate Bill 63 as engrossed on page 4, line 11, after the word "service" by adding the following: "and who retires prior to September 30, 1997".

Further amend Senate Bill 63 as engrossed on page 4, line 19, after the "." by adding the following: "An employee choosing to participate in this program will not be eligible to participate in any other early retirement incentive program offered by the State of Alabama in 1997."

Further amend Senate Bill 63 as engrossed on page 4 Line 10, after the word "for" and before the word "Employees" by inserting the following: "all"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren and Wren.

-76

And the bill, S. 63, as amended, was read a third time at length and passed.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Jackson, Johnson (E), Johnson (R),

Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Ford, the Budget Isolation Resolution relating to the bill, H. 14, was adopted.

Yeas 75; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-75

Nay:

Representative Petelos.

- 1

And the bill:

H. 14. Relating to persons sentenced as habitual offenders; to amend Section 13A-5-9 of the Code of Alabama 1975, to further provide for the range of sentences; and to provide for the review of certain persons sentenced to imprisonment for life without parole.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Buskey, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, White, Willis and Wren.

-69

Nay:

Representatives Dolbare, Gaston, Petelos and Seibenhener.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hall (A), the Budget Isolation Resolution relating to the bill, H. 405, was adopted.

Yeas 72; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

-72

And the bill:

H. 405. Authorizing the Department of Revenue to accept electronically filed tax returns of all types and to adopt rules and qualifications for tax returns and other documents filed electronically; establishes definitions, return and signature requirements specific to electronic filing; addresses the qualification of electronic return "Originators," "Transmitters," and associated computer software by "Software Developers;" and amends Section 40-1-1, Code of Alabama 1975, to establish, revise, and reorder certain definitions.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Gaston, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Townsend, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-76

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 566, was adopted.

Yeas 67; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Lindsey, Maull, McAdory, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Petelos, Pringle, Robinson, Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White and Willis.

-67

Nay:

Representative Payne.

And the bill:

H. 566. To amend Sections 34-37-4 and 34-37-6, Code of Alabama 1975, relating to the Plumbers and Gas Fitters Examining Board, to provide for an increase in compensation for the members of the board; to clarify that an applicant for master gas fitter examination shall be a journeyman gas fitter; and to eliminate the provision for certification without examination.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 75; Nays 2.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maull, McAdory, McMillan, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-75

Nay:

Representatives Gaines and Payne.

- 2

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (R) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 200.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 200, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Johnson (R) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 201.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 201, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Buskey offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 389.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 389, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Morrow, the Budget Isolation Resolution relating to the bill, H. 411, was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

And the bill:

H. 411. To amend Section 36-14-3 of the Code of Alabama 1975, to provide further for fees for services performed by the Secretary of State.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Venable, Warren, White, Willis and Wren.

-76

BUDGET ISOLATION RESOLUTION OFFERED

Representative Fuller offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 76.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 76, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Wren, the Budget Isolation Resolution relating to the bill, H. 4, was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-83

And the bill:

H. 4. Creating the General Fund Proration Prevention Act of 1997 to prevent proration of funds appropriated by the Legislature; providing for methods of withdrawals and repayment.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Perdue, the Budget Isolation Resolution relating to the bill, H. 187, was adopted.

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951

Yeas 70; Nays 3.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Carns, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-70

Nay:

Representatives Curry, Gaston and Jorgensen.

- 3

And the bill:

H. 187. To amend Sections 41-16-20, 41-16-21, 41-16-24, 41-16-50, and 41-16-54 of the Code of Alabama 1975, to increase the amount of public contracts subject to the state's competitive bid laws.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 78; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable and Willis.

-78

Nay:

Representatives Curry and Gaston.

- 2

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Perdue, the Budget Isolation Resolution relating to the bill, H. 188, was adopted.

Yeas 71; Nays 6.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Buskey, Carothers, Clark (W), Clouse, Collins, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren, White and Willis.

-71

Nay:

Representatives Carns, Curry, Gaston, Hawkins, Payne and Townsend.

- 6

And the bill:

H. 188. To amend Sections 41-16-27 and 41-16-57 of the Code of Alabama 1975, relating to competitive bids on certain contracts, to extend the time limit for which contracts for the purchase of personal property or contractual services may be awarded.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 74; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Buskey, Carothers, Clark (W), Collins, Dean, Dolbare, Drake, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Turner, Turnham, Vance, Venable, Warren and Willis.

-74

Nay:

Representatives Carns, Curry, Hawkins, Morton, Payne, Sims and Townsend.

- 7

BUDGET ISOLATION RESOLUTION OFFERED

Representative Boyd offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 295.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 295, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Willis, the Budget Isolation Resolution relating to the bill, H. 533, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 119. To make appropriations for the support, maintenance and development of public education in Alabama, for debt service, and capital outlay for the fiscal year ending September 30, 1998.

TOMMY CARTER
Chairman

And the bill, H. 119, as engrossed, was ordered sent to the Senate.

H. 533 TAKEN UP

And the bill:

H. 533. To amend Section 1-2-12, Code of Alabama 1975, to specify the species of southern pine to be designated as the state tree.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 79; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Drake, the Budget Isolation Resolution relating to the bill, H. 27, was adopted.

Yeas 77; Nays 4.

Yea:

Mr. Speaker, Allen, Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hamilton, Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Vance, Venable, Warren and Willis.

-77

Nay:

Representatives Carns, Hall (L), McKee and Townsend.

- 4

And the bill:

H. 27. To amend Section 12-17-274, Code of Alabama 1975, to provide further for the compensation of official court reporters.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 3.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, Warren, White and Willis.

-85

Nay:

Representatives Dukes, Mitchell and Parker (P).

- 3

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 27, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 27 spread upon the minutes of the House Journal.

My dissent is founded on the condition/s that follow: that state employees receive raises in accordance with a pay scale. This bill makes a lump pay raise not available to other employees.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Millican, the Budget Isolation Resolution relating to the bill, H. 243, was adopted.

Yeas 60; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Carns, Carothers, Carter, Clouse, Collins, Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Knight (A), Laird, Layson, Lindsey, Maull, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Vance, Venable, White and Willis.

-60

Nay:

Representative Gaines.

- 1

And the bill:

H. 243. (With Substitute): To amend Section 22-17-1, Code of Alabama 1975, relating to barbering, to further define the word "barber" to include additional services which may be performed by a barber.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 243, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 22-17-1, Code of Alabama 1975, relating to barbering, to further define the word "barber" to include additional services which may be performed by a barber.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 22-17-1, Code of Alabama 1975, is amended to read as follows:

"§22-17-1.

"For the purposes of this chapter, the following terms shall have the meanings respectively ascribed to them by this section:

"(1) BARBER. Any person who shaves or trims the beard or cuts, ~~or dresses~~ curls, applies a permanent curling or styling solution, styles, bleaches, colors, or applies any cosmetic chemical preparation to the head or the hair of any other person for pay, including barber's apprentices and shop ~~boys~~ employees.

"(2) MANAGER. Any person having, for the time being, control of the premises and of persons working or employed therein."

Section 2. This act shall become effective the first day of the month following its enactment into law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 58; Nays 5.

Yea:

Mr. Speaker, Black (M), Boyd, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hill, Hilliard, Hogan, Houston, Johnson (R), Layson, Lindsey, Maul, McDaniel, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Starkey, Townsend, Turner, Vance, Venable, White and Willis.

-58

Nay:

Representatives Box, Curry, Gaines, Mitchell and Petelos.

- 5

And the bill:

H. 243. To amend Section 22-17-1, Code of Alabama 1975, relating to barbering, to further define the word "barber" to include additional services which may be performed by a barber.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 72; Nays 7.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Knight (A), Laird, Layson, Lindsey, Maul, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Parker (P), Payne, Perdue, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Warren, White and Willis.

-72

Nay:

Representatives Box, Curry, Gaines, McKee, Mitchell, Petelos and Thomas (D).

- 7

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 243, as amended, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 243 spread upon the minutes of the House Journal.

My dissent is founded on the condition/s that follow: that this bill blurs, unnecessarily, the distinction between barbering and cosmetology. This bill may allow for action against barbers for any services they provide which falls under the jurisdiction of the cosmetology board.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Laird offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 262.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 262, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Lindsey, the Budget Isolation Resolution relating to the bill, H. 156, was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

And the bill:

H. 156. To amend Section 36-7-23, Code of Alabama 1975, relating to the departments and agencies who may have travel expenses prepaid, to specifically include certain officers and employees of the Department of Postsecondary Education and the two-year colleges that are under the jurisdiction of the department and the State Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-92

BUDGET ISOLATION RESOLUTION OFFERED

Representative Black (M) offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 157.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 216, the time to debate the bill, H. 157, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolutions, your signature thereto is requested:

S.J.R. 54. COMMENDING AMBER MILLER, MISS ALABAMA AGRICULTURE, AND WELCOMING HER TO THE ALABAMA LEGISLATURE.

Also:

S.J.R. 57. COMMENDING THE CONSOLATA MISSIONARY SISTERS FOR SELFLESS SERVICE TO OTHERS.

Also:

S.J.R. 59. COMMENDING MISS SUSIE DEMENT OF MONTEVALLO, ALABAMA.

Also:

S.J.R. 60. COMMENDING THE TUSCALOOSA CHRISTIAN GIRLS BASKETBALL TEAM ON ITS CHAMPIONSHIP.

Also:

S.J.R. 61. MOURNING THE DEATH OF JAY GIBBS HITCHCOCK OF AUBURN, ALABAMA.

Also:

S.J.R. 68. COMMENDING JOYCE MARTIN FOR DISTINGUISHED SERVICE TO THE WINSTON COUNTY CIRCUIT COURT.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolutions, the titles of which are set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 333, was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McDaniel, McKee, McMillan, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 333. (With Amendment): To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund within the Marine Resources Fund and for the deposit of fees from the license provided by this act into the endowment fund.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Ways and Means to the bill, H. 333, said committee amendment being as follows:

Amend House Bill 333 on Page 1, by deleting Lines 17 through 21 in their entirety and inserting in lieu thereof the following: "license. This bill would also establish a Marine Resources Endowment Fund, would provide for the deposit of fees from the license into the fund, and would provide for the administration and use of the fund."

Further amend House Bill 333 on Page 2, Line 4 by deleting the phrase "within the Marine Resources Fund".

Further amend House Bill 333 on Page 3, Line 25 by deleting the word "Marine".

Further amend House Bill 333, on Page 3, Line 26, by deleting the words "Resources Fund, a special account" and inserting in lieu thereof the words "state treasury a fund".

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-87

And the bill:

H. 333. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund and for the deposit of fees from the license provided by this act into the endowment fund.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Cams, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 431, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 431. To amend Section 9-11-141 of the Code of Alabama 1975, relating to commercial fishing licenses, to exempt residents age 65 or older from the requirement to obtain a license.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-94

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 525, was adopted.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-90

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Newton (D):

H.R. 217. RECOGNIZING MOUNT OLIVE BAPTIST CHURCH OF FAIRFIELD, ALABAMA, ON ITS 75 YEARS OF CHRISTIAN SERVICE TO THE VINESVILLE/FAIRFIELD COMMUNITY.

H. 525 TAKEN UP

And the bill:

H. 525. To amend Section 9-11-91, Code of Alabama 1975, relating to fishing in private bodies of water, to further provide for certain penalties.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

Nay:

Representative Payne.

- 1

CO-SPONSOR ADDED

Representative Buskey was added as co-sponsor to the bill, H. 525.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 526, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Sanderford, Seibenhener, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-88

And the bill:

H. 526. To provide for the issuance of one-day fishing permits to certain groups of young persons for organized fishing events; and to provide an exemption from fishing licensure requirements for the persons covered by the permit.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 96; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-96

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turner, the Budget Isolation Resolution relating to the bill, H. 527, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (T), Payne, Penry, Perdue, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-86

And the bill:

H. 527. To authorize the Game and Fish Division of the Department of Conservation and Natural Resources to collect fees for lists of licensees, and to provide for the setting of the amounts of the fees and disposition of the proceeds.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maul, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-91

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 166, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Flowers, Gaines, Gaston, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, McClammy, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Parker (P), Parker (T), Payne, Perdue, Petelos, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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REGULAR SESSION
11th Day

969

And the bill:

H. 166. Relating to Calhoun County; proposing an amendment to the Constitution of Alabama of 1901, to create a committee composed of two persons appointed by the Democratic Party, two persons appointed by the Republic Party, and the judge of probate to design and approve primary election ballots.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Graham, Guin, Hall (L), Hamilton, Hammett, Hawk, Hayden, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Perdue, Petelos, Rogers (J), Rogers (M), Sanderford, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-80

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Collins, the Budget Isolation Resolution relating to the bill, H. 678, was adopted.

Yeas 60; Nays 0.

Yea:

Mr. Speaker, Bandy, Box, Carothers, Clouse, Collins, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Guin, Hall (L), Hammett, Hawk, Hill, Hilliard, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Penry, Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 678. Relating to Fayette County; authorizing the Fayette County Commission to levy an additional one-cent sales and use tax for the purpose of financing the acquisition, construction, development, and financing of the Tom Bevill Reservoir Management Area, as well as to provide fire protection services in the county; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date for the additional tax.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 53; Nays 0.

Yea:

Mr. Speaker, Black (M), Box, Carothers, Clouse, Collins, Drake, Dukes, Flowers, Galliher, Guin, Hall (L), Hamilton, Hammett, Hawk, Hawkins, Hill, Hilliard, Hogan, Hooper, Houston, Jorgensen, Knight (J), Layson, Letson, Lindsey, McAdory, McClammy, McKee, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Perdue, Rogers (J), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (J), Turnham, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION TEMPORARILY CARRIED OVER

In accordance with House Rule 19, the Budget Isolation Resolution and the bill, H. 702, were temporarily carried over due to absence of the sponsor.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 218. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Eleventh legislative day, Tuesday, March 11, 1997, taking precedence over the regular order of business or any pending or unfinished business:

**REGULAR SESSION
11th Day**

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And the following bills:

Inst Id	Page
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H. 519 (By Venable)	110
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Motor vehicles, distinctive license plate, generic, min. quantity for group, legis. oversight committee, fee, distrib. of funds, Revenue Dept. to admin., duties to St. Comptroller, Secs. 32-6-64, 32-6-67 am'd., Sec. 32-6-68 added

H. 553 (By Carothers)	82
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Natural Death Act, advance directive for health care and living will further provided for, Secs. 22-8A-2 to 22-8A-10, inclusive, am'd.

H. 554 (By Carothers)	82
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Person who can no longer make decisions regarding his or her health care, attorney in fact may be appt. to make decisions re health care on person's behalf, Sec. 26-1-2 am'd.

On motion of Representative Carter, the resolution, H.R. 218, was adopted.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the House amendment to the following Senate Bill:

S. 63. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Venable, the Budget Isolation Resolution relating to the bill, H. 519, was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, White, Willis and Wren.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 243. To amend Section 22-17-1, Code of Alabama 1975, relating to barbering, to further define the word "barber" to include additional services which may be performed by a barber.

TOMMY CARTER
Chairman

And the bill, H. 243, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 333. To provide for a lifetime resident saltwater fishing license and for its issuance; and to provide for the establishment of the Alabama Marine Resources Endowment Fund and for the deposit of fees from the license provided by this act into the endowment fund.

TOMMY CARTER
Chairman

And the bill, H. 333, as engrossed, was ordered sent to the Senate.

H. 519 TAKEN UP

And the bill:

H. 519. (With Substitute) (With Amendment): To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 519, said committee substitute being as follows:

A BILL TO BE ENTITLED AN ACT

To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 32-6-64 and 32-6-67 of the Code of Alabama 1975, are amended to read as follows:

"§32-6-64.

"(a)(1) The design of license plates, including all emblems, slogans, symbols, or characters appearing ~~thereon~~ on the plates, shall be by regulation as promulgated by the revenue commissioner, and as otherwise specified by law. ~~However, the~~ The face of the license plate to be displayed shall be fully treated with a reflective material which will increase the nighttime visibility and legibility of the plate. There shall also be provided a special license plate for handicapped persons who operate their motor vehicles with hand controls which shall be specially colored red, white and blue. The purchase of these tags shall be optional with the vehicle owner, who shall bear the cost of such plates, and in no way shall the purchase of these tags be construed as mandatory.

"(2) Characters on the license plate which designate the county of issuance shall be numeric, and all numerals on ~~said~~ the license plates shall be no smaller than two and three-fourths inches in height. The following numbering scheme shall be used:

"(1) a. Jefferson county, 1; Mobile county, 2; Montgomery county, 3.

"(2) b. All other counties shall be ranked alphabetically and assigned consecutive numbers beginning with 4 and concluding with 67.

"c. The Department of Revenue shall be responsible for the numbering of distinctive license plates and shall establish a system to minimize duplication of license plate numbers. License plates that shall be approved for manufacture under subsection (b) shall be numbered and shall not be personalized.

"(b) Effective January 1, 1998, the sponsoring organization of any new or reissued distinctive license plate that is not of a college or university or an existing military category shall assure a minimum quantity of 250 registrations in order for the proposed plate to qualify for production consideration by the legislative oversight committee under the provisions of Section 32-6-67.

"(1) The procedure to assure the quantity minimum for a distinctive license plate shall be as follows:

"a. The sponsoring organization shall apply to the Department of Revenue for approval for the proposed distinctive license plate from the legislative oversight committee. At the time of application, the sponsoring organization shall submit a design for the plate or logo for the quantity class being applied for as described below:

"1. Quantity Class 1 (250 to 999 registrations). A new distinctive license plate category, or an existing distinctive license plate to be reissued, in which registrations are estimated to be at least 250, but less than 1,000, shall be in conformity with the design approved by the legislative oversight committee for license plates in this quantity class. This plate shall include a space designated on the left side of the license plate, not exceeding two and one-half inches in width and height, in which an appropriate emblem, slogan, or logo design may be applied to represent the organization for whom the distinctive license plate is issued. The distinctive license plate may contain, either at the top or bottom of the license plate, opposite the state name, the name of the distinctive license plate category or group. Each proposed emblem, slogan, symbol, or logo shall be subject to the approval of the legislative oversight committee.

"2. Quantity Class 2 (1,000 or greater registrations). This quantity class may use the logo system described for Quantity Class 1, or may use a unique design for the entire plate which is approved by the legislative oversight committee and meets all other design and manufacture requirements of Alabama law.

"b. After the legislative oversight committee approval and notification to the Department of Revenue, the department shall also coordinate with the Comptroller to establish funding procedures for deposit and maintaining monies held pending issuance for the new category of license plates.

"c. Each person desiring to register a vehicle in the new category shall make application through the appropriate county issuing official and shall remit, as a commitment to purchase, the additional fee associated with the license plate category.

"d. The issuing official shall deduct from the additional fee and retain a two and one-half percent commission as provided by law. The balance shall be forwarded to the Comptroller to be retained in escrow, until such time as the revenue received is equal to or greater than the minimum amount required to issue license plates in that category. If, after one year from the date of notification of approval by the legislative oversight committee, the number of subscribers for a category fails to reach 250 for Quantity Class 1, or fails to reach 1,000 for Quantity Class 2, upon notification by the Department of Revenue, the Comptroller shall pay the money in escrow to the sponsoring organization and no further consideration for production of this proposed distinctive plate shall be made under this application.

"e. Upon notification by the Comptroller to the Department of Revenue that a sufficient number of applications for a plate category has been received, the department shall initiate the ordering processes for design and manufacture of the approved license plate. At that time, the Comptroller shall pay out of the escrow account the amounts referred to in Section 32-6-68.

"(2) Notwithstanding any other provisions to the contrary, except where specifically provided by subsection (b), effective January 1, 1998, no series of distinctive license plates shall be reissued unless the following requirements are met:

"a. For Quantity Class 1 distinctive license plates, there shall have been issued in the prior license year a minimum of 250 license plates.

"b. For Quantity Class 2 distinctive license plates, there shall have been issued in the prior license year a minimum of 1,000 license plates.

"(3) The use of distinctive license plate categories shall be limited to use on passenger cars, pick-up trucks of not more than 8,000 pounds gross weight, and self-propelled campers or house cars.

"(c)(1) The ~~board~~ department of corrections is directed to supply all license plates and revalidation devices required under this subdivision. The amounts charged by the ~~board~~ department of corrections for the manufacture of revalidation devices shall not be less than that charged for the manufacture of license plates on a per item basis.

"(2) The ~~board~~ department of corrections ~~is hereby required to~~ shall maintain an accurate system of record-keeping which shall trace and account for the handling and distribution of each plate and revalidation device throughout the manufacturing process until ~~such~~ the items are distributed to each county.

"(d) After the five-year ~~tag~~ license plate has been in use for a period of three years the ~~board~~ department of corrections ~~is hereby directed to~~ shall manufacture all subsequent ~~tags~~ license plates for the remaining two years of ~~such~~ the period from a metal of less durability and quality than the metal used in manufacturing the five-year ~~tag~~ license plates.

"§32-6-67.

"(a) There is ~~hereby~~ created a legislative committee to oversee the implementation and administration of this Article 2, except subdivision 1 of Division 1. ~~Such~~ The committee shall be composed of three members of the house of representatives and a county license plate issuing official, who shall be appointed by and serve at the pleasure of the speaker of the house, and ~~serve at his pleasure~~, and three members of the senate and a county license plate issuing official, who shall be appointed by and serve at the pleasure of the lieutenant governor, ~~who shall serve at his pleasure~~, the director of the Alabama criminal justice information center, the director of public safety and the president of the Probate Judges Association. The Department of Revenue shall designate a representative and the Department of Corrections shall designate a representative of Alabama Correctional Industries as nonvoting and advisory members to the committee. The ~~chairman~~ chair, who shall be picked by the members of the committee from the legislative members on the committee, shall have the authority to call meetings of the committee when he or she deems it necessary or as otherwise provided in this section.

"(b) The committee shall:

"(1) Meet not less than once every six months.

"(2) Require that a simple majority of committee voting members be in attendance for conducting whatever business requires committee action.

"(3) Establish guidelines for the qualification of organizations which may sponsor a new or continued issuance of a license plate category, or may benefit from that issuance.

"(4) Approve, disapprove, or indefinitely postpone, by a vote of two-thirds of the members present at a committee meeting, a request for a new license plate category.

"(c) Decisions of the committee concerning approval, disapproval, or indefinite postponement of further action on a proposed distinctive license plate shall be interpreted to be the intent of the entire body of the Legislature, and separate, specific action by the Legislature concerning a distinctive license plate proposal shall not be considered.

"(d) The committee shall not consider for approval applications from the following types of organizations:

"(1) Out-of-state colleges and universities.

"(2) Private businesses, business organizations, or commercial entities of any type.

"(3) Public and private schools K-12, junior colleges, and technical schools.

"(4) Groups within high schools, junior colleges, universities, and technical schools, such as band boosters, athletic boosters, fraternities, sororities, and the like.

"(5) Unions.

"(6) Political organizations.

"(7) Religious organizations.

"(8) Groups that promote racial or social disharmony.

"(9) Public officials.

"(b) (e) Upon the request of the chairman chair, the secretary of the senate and the clerk of the house shall provide such clerical assistance as may be necessary for the committee's work of the committee.

"(f) The committee members who are members of the Legislature shall be entitled to, and shall receive, the same daily legislative compensation, expense allowances, per diem and other compensation which they receive while in legislative session for each weekday, Monday through Friday, during any week in which the committee actually meets. The non-legislative members of the committee shall be entitled to, and shall receive, the same per diem and expenses that are paid to state employees."

Section 2. The following new Section 32-6-68 is added to the Code of Alabama 1975:

Section 32-6-68.

(a) Effective January 1, 1998, each new distinctive license plate issued shall require, in addition to the standard registration fee, an additional annual fee of fifty dollars (\$50).

(b) The additional license plate fee as provided for in subsection (a) shall be distributed in the following manner:

(1) Two and one-half percent commission, provided by Section 40-12-269(a)(1).

(2) Manufacturing costs of one dollar and fifty cents (\$1.50) to the Department of Corrections.

(3) Administrative costs of one dollar (\$1) to the Department of Revenue.

(4) The remainder of the additional fee shall be distributed to the sponsoring organization or as otherwise provided under the terms of the application approved by the legislative oversight committee.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator Sanders:

S. 334. To designate U. S. Highway 80 from Selma to Montgomery as the "International Voting Rights Trail"; and to create the International Voting Rights Trail Commission and provide for its membership and duties.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 334. State Administration.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representatives Hinshaw, Hall (L), Hall (A), Morrow, Sanderford, Haney, Papucci and Jorgensen:

H.R. 219. COMMENDING THE BUTLER HIGH SCHOOL LADY REBELS ON THE STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

Also:

By Representatives Hawkins and Sanderson:

H.R. 220. MOURNING THE DEATH OF FREDERICK W. ULBRICHT OF BIRMINGHAM, ALABAMA.

Also:

By Representative Layson:

H.R. 221. COMMENDING MARVIN O. ELMORE AS 1997 CITIZEN OF THE YEAR.

Also:

By Representative Layson:

H.R. 222. COMMENDING JAMES V. BLAKNEY, ALICEVILLE AREA CITIZEN OF THE YEAR.

Also:

The following resolution was introduced:

By Representative Millican:

H.J.R. 223. COMMENDING THE MARION COUNTY RED RAIDERS FOR EXTRAORDINARY ACHIEVEMENT.

The resolution, H.J.R. 223, was read and referred to the Standing Committee on Rules.

H. 519 RESUMED

SUBSTITUTE ADOPTED

The question was then on the adoption of the substitute reported by the Standing Committee on State Administration to the bill, H. 519, and the committee substitute was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Thomas (D), Townsend, Turner, Turnham, Vance, Venable, White and Willis.

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RESOLUTIONS

The following resolutions were introduced:

By Representative Wren:

H.J.R. 224. COMMENDING THE OPTIMIST CLUB OF EAST MONTGOMERY.

The resolution, H.J.R. 224, was read and referred to the Standing Committee on Rules.

Also:

By Representative Crigler:

H.J.R. 225. HONORING DONALD ARTHUR DALE AND RUBY BOSARGE DALE ON THEIR 50TH WEDDING ANNIVERSARY.

The resolution, H.J.R. 225, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 215. MOURNING THE DEATH OF FREDERICK W. ULBRICHT OF BIRMINGHAM, ALABAMA.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the Executive amendment to the Bill:

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

by a majority of the whole number elected to the Senate, said vote being: Yeas 25, Nays 0.

And said Bill, HB 18, together with the Executive amendment, is herewith returned to the House.

McDOWELL LEE
Secretary

H. 519 RESUMED

The question was then on the adoption of the amendment reported by the Standing Committee on State Administration to the bill, H. 519, as amended, said committee amendment being as follows:

Amend Sub to H. 519 on Page 10, line 4, after the word "schools" and before the period by adding the following: , exclusive of the Helping Schools Tag as established in 32-6-300 and 32-6-301, Code of Alabama 1975

Further amend Sub to H. 519 on Page 11, line 17, by adding a new Subsection (4) as follows and renumbering the remaining subsection as appropriate:

(4) State shares of five dollars (\$5) shall be transmitted to the state comptroller for deposit into the Penny Trust Fund as established by Amendment 512 of the Constitution of Alabama.

Further amend Sub to H. 519 on Page 11, line 21, by adding a new subsection (c) as follows:

(c) The distribution of fees for tags which were authorized by legislative act before January 1, 1998, shall continue in effect, any other provision of law to the contrary notwithstanding.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 63. To amend Section 33-1-5.1 of the Code of Alabama 1975, relating to retirement plans for employees of the State Docks Department; to authorize a retirement incentive program for certain employees of the Alabama State Docks Department; providing for departmental financing for the retirement incentive allowance; and providing for a cost-benefit analysis.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

H. 519 RESUMED

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 519, as amended:

Page 4, line 12, delete 1998 and insert therein: 1997

Page 7, line 5, delete 1998 and insert therein: 1997

Page 11, line 4, delete 1998 and insert therein: 1997

Page 12, line 1, delete the words "on the first day of third month following" and insert therein: immediately upon

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 94; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

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AMENDMENT OFFERED

Representative Holmes offered the following amendment to the bill, H. 519, as amended:

On page 11, after line 20, insert a new Section 3 and renumber the remaining sections accordingly:

Section 3. Notwithstanding the provision of Section 32-6-54, Code of Alabama 1975, any organization who purchases a personalized, distinctive, or vanity license plate may request the Department of Revenue to not place the language "Heart of Dixie" on his or her license plate.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 65; Nays 6.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carter, Clark (W), Curry, Dolbare, Drake, Dukes, Ford, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hawk, Hawkins, Hayden, Hilliard, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (J), Laird, Letson, Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Parker (P), Payne, Penry, Perdue, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance and Willis.

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Nay:

Representatives Crigler, Dean, Papucci, Pringle, Sanderson and Thomas (D).

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 179. HONORING THE WILBERFORCE UNIVERSITY GOSPEL CHOIR AND WELCOMING THEM TO BETHEL AME CHURCH, ENSLEY, BIRMINGHAM, ALABAMA.

Also:

H.J.R. 180. COMMENDING HATTIE P. KING, MS. SENIOR AMERICA OF ALABAMA, 1997.

Also:

H.J.R. 183. COMMENDING AMBER MILLER, MISS ALABAMA AGRICULTURE, AND WELCOMING HER TO THE ALABAMA LEGISLATURE.

Also:

H.J.R. 195. MOURNING THE DEATH OF MRS. ALICE GRAY WALLACE.

Also:

H.J.R. 196. COMMENDING JUSTIN COCKRELL GARRICK OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 197. COMMENDING CHARLES EUGENE LEWIS OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 198. COMMENDING DAVID MCFERRIN WALSH OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 199. DESIGNATING MANUFACTURING WEEK.

Also:

H.J.R. 202. COMMENDING DR. JOHN L. EDWARDS FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 203. COMMENDING THE NURSING STAFF OF ST. VINCENT'S HOSPITAL, BIRMINGHAM, ALABAMA.

Also:

H.J.R. 205. COMMENDING MRS. JUDY HOLLAND AS SUPPORT STAFF PERSON OF THE YEAR.

Also:

H.J.R. 211. COMMENDING THE CITY OF BIRMINGHAM ON ITS 125TH ANNIVERSARY.

Also:

H.J.R. 213. CONGRATULATING REPRESENTATIVE AND MRS. JAMES KENNETH GUIN, JR., ON THE BIRTH OF THEIR SON, JAMES KENNETH GUIN, III.

McDOWELL LEE
Secretary

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 215. MOURNING THE DEATH OF FREDERICK W. ULBRICHT OF BIRMINGHAM, ALABAMA.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 18. Relating to Cullman County; to amend Act No. 85-128, 1985 Regular Session, to provide that when a motor vehicle owner purchases more than one license decal by mail at the same time, only one mailout fee shall be charged.

And finds same correctly enrolled with Executive Amendment.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

H. 519 RESUMED**AMENDMENT OFFERED**

Representative McMillan offered the following amendment to the bill, H. 519, as amended:

On page 5, line 1, delete the following language: 1. Quantity Class 1 (250 to 999 registrations).

On page 5, line 4, delete the following language: at least 250, but less than

On page 5, line 4, after the word "be" insert the following language: 1,000 or greater

On page 5, line 5, delete the language "1,000"

On page 5, line 16, after the period insert the following language: This quantity class may use a unique design for the entire plate which is approved by the legislative oversight committee and meets all other design and manufacture requirements of Alabama law.

On page 5, delete lines 17 to 22, inclusive

AMENDMENT TABLED

On motion of Representative Venable, the amendment offered by Representative McMillan to the bill, H. 519, as amended, was tabled.

Yeas 68; Nays 13.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Hawkins, Hayden, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Jorgensen, Knight (J), Laird, Letson, Lindsey, Mauli, McClammy, Minnifield, Moore, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Parker (P), Payne, Perdue, Robinson, Rogers (M), Smith, Spratt, Starkey, Thomas (J), Townsend, Turnham, Vance, Venable, Warren, White and Willis.

-68

Nay:

Representatives Crigler, Gaines, Haney, Hawk, Hill, Knight (A), Layson, McDaniel, Morton, Papucci, Sanderford, Sims and Thomas (D).

-13

AMENDMENT OFFERED

Representative Sanderford offered the following amendment #1 to the bill, H. 519, as amended:

To amend H. 519 as substituted and amended on page 4 by deleting lines 1 and 2 in their entirety and inserting in lieu thereof the following:

"~~(1)~~ a. Jefferson county, 1; Mobile county, 2; Madison county, 3;
Montgomery county, 3 4".

Further amend the bill on page 4 line 5 by striking the following "4" and inserting in lieu thereof the figure "5".

AMENDMENT TABLED

On motion of Representative Hooper, the amendment #1 offered by Representative Sanderford to the bill, H. 519, as amended, was tabled.

Yeas 54; Nays 25.

Yea:

Representatives Baker, Bandy, Black (L), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Jackson, Johnson (E), Kennedy, Knight (J), Laird, Layson, Maull, McClammy, Moore, Newton (C), Newton (D), Parker (P), Payne, Pringle, Rogers (M), Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, White and Willis.

-54

Nay:

Representatives Allen, Black (M), Dukes, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hinshaw, Jorgensen, Knight (A), Lindsey, McDaniel, McKee, Minnifield, Morrison, Morrow, Morton, Papucci, Perdue, Robinson, Sanderford, Sims and Wren.

-25

AMENDMENT OFFERED

Representative Sanderford offered the following amendment #2 to the bill, H. 519, as amended:

To amend H. 519 as substituted and amended on page 4 by deleting lines 1 and 2 in their entirety and inserting in lieu thereof the following:

"(1) a. ~~Jefferson county, 1; Mobile county, 2; Montgomery county, 3~~ The first four numbers shall be assigned to the counties in order of their population as of the last federal decennial census beginning with Jefferson County designated with the number 1".

AMENDMENT TABLED

On motion of Representative Venable, the amendment #2 offered by Representative Sanderford to the bill, H. 519, was tabled.

Yeas 62; Nays 20.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McKee, Moore, Murphree, Newton (C), Newton (D), Parker (P), Pringle, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren, Willis and Wren.

-62

Nay:

Representatives Allen, Crigler, Dukes, Hall (A), Hall (L), Hamilton, Haney, Hinshaw, Jorgensen, Letson, McMillan, Minnifield, Morrison, Morton, Papucci, Payne, Penry, Robinson, Sanderford and Sanderson.

-20

And the bill:

H. 519. To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 101; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-101

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 519, as amended:

Representatives Allen, Baker, Bandy, Black (L), Black (M), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Galliher, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Minnifield, Mitchell, Morton, Murphree, Newton (D), Papucci, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Spratt, Starkey, Thomas (D), Turner, Vance and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 553, was adopted.

Yeas 90; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J),

Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-90

Nay:

Representative Hall (L).

-1

And the bill:

H. 553. (With Substitute): To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health to the bill, H. 553, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: Authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, are amended to read as follows:

"§22-8A-2.

"The legislature finds that competent adult persons have the fundamental right to control the decisions relating to the rendering of their own medical care, including, without limitation, the decision to have medical procedures, life-sustaining ~~procedures~~ treatment, and artificially provided nutrition and hydration provided, withheld, or withdrawn in instances of terminal ~~condition~~ conditions and permanent unconsciousness.

"In order that the rights of ~~patients~~ individuals may be respected even after they are no longer able to participate actively in decisions about themselves, the legislature hereby declares that the laws of this state shall recognize the right of ~~an a~~ competent adult person to make a written declaration instructing his or her physician to provide, withhold, or withdraw life-sustaining ~~procedures~~ treatment and artificially provided nutrition and hydration or designate by lawful written form a health care proxy to make decisions on behalf of the adult person concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration ~~in the event of~~ in instances of a terminal ~~condition~~ conditions and permanent unconsciousness. The Legislature further desires to provide for the appointment of surrogate decision-makers in instances where the individual has not made such a designation.

"§22-8A-3.

"As used in this chapter, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) ADULT. Any person 19 years of age or over.

"(2) ARTIFICIALLY PROVIDED NUTRITION AND HYDRATION. A medical treatment consisting of the administration of food and water through a tube or intravenous line, where the recipient is not required to chew or swallow voluntarily. Artificially provided nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding.

"(3) ADVANCE DIRECTIVE FOR HEALTH CARE. A writing executed in accordance with Section 22-8A-4 which may include a living will, the appointment of a health care proxy, or both such living will and appointment of a health care proxy.

"~~(1)~~ (4) ATTENDING PHYSICIAN. The physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

"(2) DECLARATION. ~~A witnessed document in writing, voluntarily executed by the declarant in accordance with the requirements of section 22-8A-4.~~

"(5) COMPETENT ADULT. An adult who is alert, capable of understanding a lay description of medical procedures and able to appreciate the consequences of providing, withholding, or withdrawing medical procedures.

"(6) HEALTH CARE PROVIDER. A person who is licensed, certified, registered, or otherwise authorized by the law of this state to administer or provide health care in the ordinary course of business or in the practice of a profession.

"(7) HEALTH CARE PROXY. Any person designated to act on behalf of an individual pursuant to Section 22-8A-4.

~~"(3) (8) LIFE-SUSTAINING PROCEDURE TREATMENT. Any medical treatment, procedure, or intervention which that, in the judgment of the attending physician, when applied to a qualified the patient, would serve only to prolong the dying process where the patient has a terminal illness or injury, or would serve only to maintain the patient in a condition of permanent unconsciousness and where, in the judgment of the attending physician, death will occur whether or not such procedure or intervention is utilized. Life-sustaining procedure shall not include the administration of medication or the performance of any medical procedure deemed necessary to provide comfort or care or to alleviate pain. These procedures shall include, but are not limited to, assisted ventilation, cardiopulmonary resuscitation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs and antibiotics. Life-sustaining treatment shall not include the administration of medication or the performance of any medical treatment where, in the opinion of the attending physician, the medication or treatment is necessary to provide comfort or to alleviate pain.~~

"(9) LIVING WILL. A witnessed document in writing, voluntarily executed by the declarant, that gives directions and may appoint a health care proxy, in accordance with the requirements of Section 22-8A-4.

"(10) PERMANENT UNCONSCIOUSNESS. A condition that, to a reasonable degree of medical certainty:

"a. Will last permanently, without improvement; and

"b. In which cognitive thought, sensation, purposeful action, social interaction, and awareness of self and environment are absent; and

"c. Which condition has existed for a period of time sufficient, in accordance with applicable professional standards, to make such a diagnosis; and

"d. Which condition is confirmed by a physician who is qualified and experienced in making such a diagnosis.

"(11) PERSON. An individual, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

"(4) (12) PHYSICIAN. A person licensed to practice medicine and osteopathy in the state of Alabama.

~~"(5) QUALIFIED PATIENT. A patient, who has executed a declaration in accordance with this chapter and who has been diagnosed and certified in writing to be afflicted with a terminal condition by two physicians who have personally examined the patient, one of whom shall be the attending physician."~~

"(13) SURROGATE. Any person appointed to act on behalf of an individual pursuant to Section 22-8A-11.

"(6) (14) TERMINALLY ILL OR INJURED PATIENT. A patient whose death is imminent or whose condition, to a reasonable degree of medical certainty, is hopeless unless he or she is artificially supported through the use of life-sustaining procedures and which condition is confirmed by a physician who is qualified and experienced in making such a diagnosis.

"§22-8A-4.

"(a) Any competent adult person may execute a declaration living will directing the providing, withholding, or withdrawal of life-sustaining procedures in a terminal condition. The declaration treatment and artificially provided nutrition and hydration. Artificially provided nutrition and hydration shall not be withdrawn or withheld pursuant to the living will unless specifically authorized therein.

"(b) A competent adult may execute at any time a living will that includes a written health care proxy designation appointing another competent adult to make decisions regarding the providing, withholding, or withdrawal of life-sustaining treatment and artificially provided nutrition and hydration. Artificially provided nutrition and hydration shall not be withdrawn or withheld pursuant to the proxy designation unless specifically authorized therein. A proxy designation made pursuant to this section shall be accepted in writing by the individual being appointed. The acceptance shall be evidenced in writing and attached to the proxy designation. The proxy designation may be a separate document or part of a living will.

"(i) The designation of an attorney-in-fact, made pursuant to Section 26-1-2, as amended from time to time, who is specifically authorized to make decisions regarding the providing, withholding, or withdrawing of life-sustaining treatment or artificially provided nutrition and hydration in instances involving terminal illness or injury and permanent unconsciousness, constitutes for purposes of this act a proxy designating another individual to act for the declarant pursuant to this Section 22-8A-4(b), provided, however, that the authority granted to an attorney-in-fact to make such decisions shall be the same as the authority granted in this chapter to a health care proxy. The appointment shall be limited to the specific directions enumerated in the appointment.

"(ii) Any powers granted to a health care proxy in an advance directive for health care executed pursuant to this Section 22-8A-4(b) that permit a health care proxy to make general health care decisions not related to the provision, withdrawal, or withholding of life-sustaining treatment or artificially provided nutrition and hydration shall be limited to those powers permitted under the Alabama Durable Power of Attorney Act, Section 26-1-2, as the same shall be amended from time to time.

"(iii) Unless otherwise provided in the proxy designation or in an order of divorce, dissolution, or annulment of marriage or legal separation, the divorce, dissolution, or annulment of marriage of the declarant revokes the designation of the declarant's former spouse as health care proxy.

"(iv) Under no circumstances shall the patient's health care provider or a nonrelative employee of the patient's health care provider make decisions in the capacity of a health care proxy.

"(c) Any advance directive for health care made pursuant to this chapter shall be:

"(1) In writing;

"(2) Signed by the person making the ~~declaration~~ advance directive for health care, or by another person in the declarant's presence and by the declarant's expressed direction;

"(3) Dated; and

"(4) Signed in the presence of two or more witnesses at least 19 years of age neither of whom shall be the person who signed the ~~declaration~~ advance directive for health care on behalf of and at the direction of the person making the ~~declaration~~ advance directive for health care, appointed as the health care proxy therein, related to the declarant by blood, adoption, or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession of this state or under any will of the declarant or codicil thereto, or directly financially responsible for declarant's medical care.

"(d) An advance directive for health care shall become effective when: (1) the attending physician determines that the declarant is no longer able to understand, appreciate, and direct his or her medical treatment; and (2) two physicians, one of whom shall be the attending physician, and one of whom shall be qualified and experienced in making such diagnosis, have personally examined the declarant and have diagnosed and documented in the medical record that the declarant has either a terminal illness or injury or is in a state of permanent unconsciousness.

"(e) The ~~declaration of a qualified patient~~ advance directive for health care of a declarant who is known ~~diagnosed as pregnant~~ by the attending physician to be ~~pregnant~~ shall have no effect during the course of the ~~qualified patient's~~ declarant's pregnancy.

~~"(b) (f)~~ It shall be the responsibility of the declarant to provide a copy of ~~for notification to his or her attending physician of the existence of the declaration the~~ advance directive for health care to his or her attending physician and other health care providers rendering treatment to the declarant. ~~An attending physician who is so notified~~ The health care provider shall make the declaration advance directive for health care, or a copy of the declaration advance directive for health care, a part of the declarant's medical records.

"(g) In the event a declarant has executed both a living will and a proxy designation, the decisions by the health care proxy duly designated under this chapter regarding the providing, withholding, or withdrawal of life-sustaining treatment or artificially provided nutrition or hydration, shall take precedence over a living will of a declarant, unless the declarant's living will or proxy designation indicates otherwise.

~~"(e) (h)~~ The declaration advance directive for health care shall be substantially in the following form, but in addition may include other specific directions. Should any of the other specific directions be held to be invalid, such the invalidity shall not affect other directions of the declaration advance directive for health care which can be given effect without the invalid direction, and to this end the directions in the declaration advance directive for health care are severable.

"DECLARATION

"ADVANCE DIRECTIVE FOR HEALTH CARE

~~"Declaration~~ This advance directive for health care is made this _____ day of _____ (Month, year). I, _____ being 19 years of age or older, of sound mind, hereby revoke any prior advance directive for health care, and in lieu thereof hereby willfully and voluntarily make known my desires by my instructions to others through my living will, or by my appointment of a health care proxy, or both, that my dying shall not be artificially prolonged under the circumstances set forth below, and do hereby declare:

~~"If at any time I should have an insurable injury, disease, or illness certified to be a terminal condition by two physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not life-sustaining procedures are utilized and where the application of life-sustaining procedures would serve only to artificially prolong the dying process, I direct that such procedures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.~~

"I. LIVING WILL

"If my attending physician determines that I am no longer able to give directions to my health care providers regarding my medical treatment, I direct my attending physician and other health care providers to provide, withhold, or

withdraw certain treatment from me under the circumstances I have indicated below by my initials. I understand that by initialling any of the paragraphs in this Living Will I am authorizing the withholding or withdrawal of certain treatments and this may lead to my death. I understand that I will be given treatment that is necessary for comfort or to alleviate my pain except where I specifically request otherwise.

"(a) TERMINAL ILLNESS OR INJURY. If my attending physician and another physician determine that I have an incurable terminal illness or injury which will lead to my death within six months or less:

"(1) I DO want medically indicated life-sustaining treatment, even if it will not cure me and will only prolong the dying process.

(Initials)

"OR

"I do NOT want life-sustaining treatment which would not cure me but which would only prolong the dying process.

(Initials)

"In addition, before life-sustaining treatment is withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(2) I understand that artificially provided nutrition and hydration (tube feeding of food and water) may be necessary to preserve my life.

"(i) I DO want medically indicated artificially provided nutrition and hydration, even if it will only prolong the dying process.

(Initials)

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OR

"(ii) I do NOT want artificially provided nutrition and hydration under the circumstance initialed below:

(Initials) (a) even if withholding or withdrawing it causes me pain.

"(OR)

(Initials) (b) only if withholding it or withdrawing it, in the judgment of my attending physician, would not cause me undue pain.

"In addition, before artificially provided nutrition and hydration are withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(3) I direct that (add other medical directives, if any) (if none, state "none"):

(Initials)

"(b) PERMANENT UNCONSCIOUSNESS. If in the judgment of my attending physician and another physician, I am in a condition of permanent unconsciousness:

"(1) I DO want medically indicated life-sustaining treatment, even if it will not cure me and will only maintain me in a condition of permanent unconsciousness.

(Initials)

"OR

"I do NOT want life-sustaining treatment which would not cure me but which would only maintain me in a condition of permanent unconsciousness.

(Initials)

"in addition, before life-sustaining treatment is withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(2) I understand that artificially provided nutrition and hydration (tube feeding of food and water) may be necessary to preserve my life.

"(i) I DO want medically indicated artificially provided nutrition and hydration, even if it will only maintain me in a condition of permanent unconsciousness.

(Initials)

"OR

"(ii) I do NOT want artificially provided nutrition and hydration under the circumstance initialed below:

(Initials) (a) even if withholding or withdrawing it causes me pain.

"(OR)

(Initials) (b) only if withholding it or withdrawing it, in the judgment of my attending physician, would not cause me undue pain.

"In addition, before artificially provided nutrition and hydration are withheld or withdrawn as directed above, I direct that my attending physician shall discuss with the following persons, if they are available, the benefits and burdens of taking such action and my stated wishes in this advance directive:

(Initials)

"(3) I direct that (add other medical directives, if any) (if none, state "none"):

(Initials)

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"II. APPOINTMENT OF MY HEALTH CARE PROXY

"I understand that my health care proxy is a person whom I may choose here to make medical treatment decisions for me as described below.

"(a) I do NOT want to appoint a health care proxy.

(Initials)

"(b) I DO want to appoint a health care proxy. If my attending physician determines that I am no longer able to give directions to my health care providers regarding my medical treatment, I direct my attending physician and other health care providers to follow the instructions of _____, whom I appoint as my health care proxy. If my health care proxy is unable to serve, I appoint _____ as my alternate health care proxy with the same authority. My health care proxy is authorized to make whatever medical treatment decisions I could make if I were able, including decisions regarding the withholding or withdrawing of life-sustaining treatment.

"(i) I specifically do [] do not [] authorize my health care proxy to make decisions regarding whether artificially provided nutrition and hydration be withheld or withdrawn.

"(ii) I specifically direct my health care proxy to (add other medical directives, if any) (if none, state "none"):

(Initials)

"III. CONFLICTING PROVISIONS

"If the decisions made by the person I have appointed as my health care proxy disagree with the instructions in my Living Will:

(Initials) I want the instructions in my Living Will to be followed.

(Initials) I want the person I have appointed as health care proxy to make the final decision.

"I understand that if I do not initial either of the above, then my health care proxy will make the final decision.

"IV. DEFINITIONS

"As used in this advance directive for health care, the following terms have the meaning set forth below:

"(a) ARTIFICIALLY PROVIDED NUTRITION AND HYDRATION. A medical treatment consisting of the administration of food and water through a tube or intravenous line, where I am not required to chew or swallow voluntarily. Artificially provided nutrition and hydration does not include assisted feeding, such as spoon or bottle feeding.

"(b) LIFE-SUSTAINING TREATMENT. Any medical treatment, procedure, or intervention that, in the judgment of the attending physician, when applied to me, would serve only to prolong the dying process where I have a terminal illness or injury, or would serve only to maintain me in a condition of permanent unconsciousness. These procedures shall include, but are not limited to, assisted ventilation, cardiopulmonary resuscitation, renal dialysis, surgical procedures, blood transfusions, and the administration of drugs and antibiotics. Life-sustaining treatment shall not include the administration of medication or the performance of any medical treatment where, in the opinion of the attending physician, the medication or treatment is necessary to provide comfort or to alleviate pain.

"(c) PERMANENT UNCONSCIOUSNESS. A condition that, to a reasonable degree of medical certainty:

"a. Will last permanently, without improvement; and

"b. In which thought, sensation, purposeful action, social interaction, and awareness of self and environment are absent; and

"c. Which condition has existed for a period of time sufficient, in accordance with applicable professional standards, to make such a diagnosis; and

"d. Which condition is confirmed by a physician who is qualified and experienced in making such a diagnosis.

"(d) TERMINALLY ILL OR INJURED PATIENT. A patient whose death is imminent or whose condition, to a reasonable degree of medical certainty, is hopeless unless he or she is artificially supported through the use of life-sustaining procedures.

"V. OTHER PROVISIONS

"(a) I understand that if I have been diagnosed as pregnant and that diagnosis is known to my attending physician, directions in this advance directive for health care concerning the providing, withholding, and withdrawal of life-sustaining treatment and artificially provided nutrition and hydration shall have no force or effect during the course of my pregnancy.

"(b) In the absence of my ability to give directions regarding the use of such life-sustaining ~~procedures~~ treatment, it is my intention that this ~~declaration~~ advance directive for health care shall be honored by my family, and my physician(s), and health care provider(s) as the final expression of my legal right to refuse medical or surgical treatment and accept the consequences from such refusal.

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"(c) I understand the full import of this declaration and I am emotionally and mentally competent to make this ~~declaration~~ advance directive for health care.

"(d) Nothing herein shall be construed as a directive to exclude from consultation or notification any relative of mine about my health condition or dying. Written directives by me as to whether to notify or consult with certain family members shall be respected by health care workers, attorneys in fact, or surrogates.

"(e) I understand that I may revoke this directive at any time.

Signed _____

City, County and State
of Residence _____

Date _____

"The declarant has been personally known to me and I believe him or her to be of sound mind. I did not sign the declarant's signature above for or at the direction of the declarant and I am not appointed as the health care proxy therein. I am not related to the declarant by blood, adoption, or marriage, entitled to any portion of the estate of the declarant according to the laws of intestate succession or under any will of declarant or codicil thereto, or directly financially responsible for declarant's medical care.

Witness _____

Witness _____

Date _____

"I, _____, accept the proxy designation of the declarant and
I, _____, accept the alternate proxy designation of the declarant.

Signed _____
(proxy)

Signed _____
(alternate proxy)

Date _____

"§22-8A-5.

"(a) ~~A declaration~~ An advance directive for health care may be revoked at any time by the declarant by any of the following methods:

"(1) By being obliterated, burnt, torn, or otherwise destroyed or defaced in a manner indicating intention to cancel;

"(2) By a written revocation of the ~~declaration~~ advance directive for health care signed and dated by the declarant or person acting at the direction of the declarant; or

"(3) By a verbal expression of the intent to revoke the ~~declaration~~, advance directive for health care in the presence of a witness 19 years of age or older who signs and dates a writing confirming that such expression of intent was made. Any verbal revocation shall become effective upon receipt by the attending physician or health care provider of the above mentioned writing. The attending physician or health care provider shall record in the patient's medical record the time, date and place of when he or she received notification of the revocation.

"(b) There shall be no criminal or civil liability on the part of any person for failure to act upon a revocation made pursuant to this section unless that person has actual knowledge of the revocation.

"§22-8A-6.

~~"An attending physician who has been notified of the existence of a declaration executed under this chapter, without delay after the diagnosis of a terminal condition of the declarant, shall take the necessary steps to provide for written certification and confirmation of the declarant's terminal condition, so that declarant may be deemed to be a qualified patient under this chapter.~~

"An individual designated to make decisions regarding the providing, withholding, or withdrawing of life-sustaining treatment or artificially provided nutrition and hydration for another pursuant to Section 22-8A-4(b) shall make those decisions according to the specific instructions or directions given to him or her in the designation or other document or by the individual making the designation. In the absence of specific directions or guidance, the designated proxy shall make those decisions that conform as closely as possible to what the patient would have done or intended under the circumstances, taking into account the patient's personal, philosophical, religious and moral beliefs, and ethical values relative to the decisions. Where possible, the designated proxy shall determine how the patient would have weighed the burdens and benefits of initiating or continuing life-sustaining treatment or artificially provided nutrition and hydration against the burdens and benefits to the patient of that treatment.

"§22-8A-7.

"(a) A competent adult may make decisions regarding life-sustaining treatment and artificially provided nutrition and hydration so long as that individual is able to do so. The desires of a qualified patient an individual shall at all times supersede the effect of the ~~declaration~~ an advance directive for health care.

"(b) If the ~~qualified patient~~ individual is ~~incompetent~~ not competent at the time of the decision to provide, withhold, or withdraw life-sustaining procedures ~~treatment or artificially provided nutrition and hydration~~, a ~~declaration~~ living will executed in accordance with section 22-8A-4 (a) ~~or a proxy designation executed in accordance with Section 22-8A-4(b)~~ is presumed to be valid. For the purpose of this chapter, a ~~physician or medical care facility~~ health care provider may presume in the absence of actual notice to the contrary that an individual who executed a ~~declaration was of sound mind~~ an advance directive for health care was competent when it was executed. The fact of an individual's having executed a ~~declaration~~ an advance directive for health care shall not be considered as an indication of a declarant's mental incompetency. Age Advanced age of itself shall not be a bar to a determination of competency.

"(c) No physician, licensed health care professional, medical care facility, other health care provider, or any employee thereof who in good faith and pursuant to reasonable medical standards causes or participates in the providing, withholding, or withdrawing of life-sustaining procedures from a qualified treatment or artificially provided nutrition and hydration from a patient pursuant to a declaration living will or designated proxy made in accordance with this chapter or pursuant to the directions of a duly designated surrogate appointed in accordance with this chapter, in the absence of actual knowledge of the revocation thereof, shall, as a result thereof, be subject to criminal or civil liability, or be found to have committed an act of unprofessional conduct.

"§22-8A-8.

"(a) ~~An attending physician~~ A health care provider who refuses to comply with the ~~declaration of a qualified patient~~ a living will or the directions of a duly designated proxy or a duly appointed surrogate pursuant to this chapter shall promptly so advise the declarant and any individual designated to act for the declarant, shall not be liable for such his refusal, but shall permit the qualified patient to be transferred to another ~~physician~~ health care provider. Such health care provider shall reasonably cooperate to assist the declarant, or any individual designated to act for the declarant, in the timely transfer of the declarant to another health care provider that will follow the directions of the living will, health care proxy, or surrogate. During the time for the transfer, all life-sustaining treatments, including artificially provided nutrition and hydration, shall be properly maintained.

"(b) No nurse, physician, or other health care provider may be required by law or contract in any circumstances to participate in the withholding or withdrawal of life-sustaining treatment if such person objects to so doing. No person may be discriminated against in employment or professional privileges because of the person's participation or refusal to participate in the withholding or withdrawal of life-sustaining treatment.

"(b) (c) Any person who willfully conceals, cancels, defaces, obliterates or damages the declaration advance directive for health care of another without ~~such~~ the declarant's consent or who falsifies or forges a revocation of the declaration advance directive for health care of another shall be guilty of a Class A misdemeanor.

"(e) (d) Any person who falsifies or forges the declaration advance directive for health care of another, or willfully conceals or withholds personal knowledge of the revocation of a declaration an advance directive for health care, with the intent to cause a withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration contrary to the wishes of the declarant, and thereby, because of such act, directly causes life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration to be withheld or withdrawn and death to be hastened, shall be guilty of a Class C felony.

"§22-8A-9.

"(a) The withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration from a qualified patient in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide and shall not constitute assisting suicide.

"(b) The making of a ~~declaration~~ an advance directive for health care pursuant to ~~section 22-8A-4~~ this chapter shall not affect in any manner the sale, procurement, or issuance of any policy of life or health insurance, nor shall it be deemed to modify the terms of an existing policy of life or health insurance. No policy of life or health insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration from an insured qualified patient, notwithstanding any term of the policy to the contrary.

"(c) No physician, ~~medical care facility~~, or other health care provider, and no health care service plan, health maintenance organization, insurer issuing disability or life or health insurance, self-insured employee welfare benefit plan, nonprofit medical service corporation, or mutual nonprofit hospital or hospital service corporation shall require any person to execute a ~~declaration~~ an advance directive for health care as a condition for being insured for, or receiving, health care services.

"(d) Nothing in this chapter shall impair or supersede any legal right or legal responsibility which any person may have, under case law, common law, or statutory law, to effect the withholding or withdrawal of life-sustaining ~~procedures~~ treatment or artificially provided nutrition and hydration in any lawful manner. In such respect the provisions of this chapter are cumulative.

"(e) Nothing in this chapter shall impair or supersede the jurisdiction of the circuit court in the county where a patient is undergoing treatment to determine whether life-sustaining treatment or artificially provided nutrition and hydration should be withheld or withdrawn in circumstances not governed by this chapter or to determine if the requirements of this chapter have been met.

"(e) (f) This chapter shall create no presumption concerning the intention of an individual who has not executed a declaration an advance directive for health care to consent to the use or withholding of life-sustaining procedures in the event of a terminal condition treatment or artificially provided nutrition and hydration."

"§22-8A-10.

"Nothing in this chapter shall be construed to condone, authorize or approve mercy killing or physician assisted suicide or to permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this chapter."

Section 2. (a) If no advance directive for health care has been made, or if no duly appointed health care proxy is reasonably available, or if a valid advance directive for health care fails to address a particular circumstance, subject to the provisions of subsection (c) hereof, a surrogate, in consultation with the attending physician, may, subject to the provisions of Section 22-8A-6, Code of Alabama 1975, determine whether to provide, withdraw, or withhold life-sustaining treatment or artificially provided nutrition and hydration if all of the following conditions are met:

(1) The attending physician determines, to a reasonable degree of medical certainty, that:

- a. The individual is no longer able to understand, appreciate, and direct his or her medical treatment, and
- b. The individual has no hope of regaining such ability.

(2) Two physicians, one of whom is the attending physician and one of whom shall be qualified and experienced in making such diagnosis, have personally examined the individual and have diagnosed and certified in the medical record that the individual has a terminal illness or injury or has a condition of permanent unconsciousness.

(3) The attending physician or other health care provider and the surrogate have no actual knowledge of the existence of a valid advance directive for health care that would give guidance to the provider in treating the individual's condition.

(4) The treating physician determines, to a reasonable degree of medical certainty, that withholding or withdrawing the life-sustaining treatment or artificially provided nutrition and hydration will not result in undue pain or discomfort for the patient.

(b) The surrogate shall be a competent adult.

(c) The surrogate shall consult with the attending physician and make decisions permitted herein that conform as closely as possible to what the patient would have done or intended under the circumstances, taking into account any evidence of the patient's religious, spiritual, personal, philosophical, and moral beliefs and ethics, to the extent these are known to the surrogate. Where possible, the surrogate shall consider how the patient would have weighed the burdens and benefits of initiating or continuing life-sustaining treatment or artificially provided nutrition and hydration against the burdens and benefits to the patient of that treatment; except, that any decision by a surrogate regarding the withdrawal or withholding of artificially provided nutrition and hydration from a person who is permanently unconscious shall only be made upon clear and convincing evidence of the patient's desires. The decision to provide, withdraw, or withhold life-sustaining treatment or artificially provided nutrition and hydration by the surrogate shall be made in good faith and without consideration of the financial benefit or burden which will accrue to the surrogate or the health care provider as a result of the decision.

(d) Any of the following persons, in order of priority stated, when persons in prior classes are not available or willing to serve, may serve as a surrogate pursuant to the provisions of this section:

(1) A judicially appointed guardian, provided the appointment specifically authorizes the guardian to make decisions regarding the withholding of life-sustaining treatment or artificially provided nutrition and hydration. Nothing in this section shall be construed to require a judicial appointment before a decision can be made under this chapter. In addition, this section shall not be construed to require a judicially appointed guardian who has not been specifically authorized by a court to make decisions regarding the providing, withholding, or withdrawing of life-sustaining treatment or artificially provided nutrition and hydration to make those decisions or to seek court approval to make those decisions;

(2) The patient's spouse, unless legally separated or a party to a divorce proceeding;

(3) An adult child of the patient;

(4) One of the patient's parents;

(5) An adult sibling of the patient;

(6) Any one of the patient's surviving adult relatives who are of the next closest degree of kinship to the patient; or

(7) If the patient has no relatives known to the attending physician or to an administrator of the facility where the patient is being treated, and none can be found after a reasonable inquiry, a committee composed of the patient's primary

treating physician and the ethics committee of the facility where the patient is undergoing treatment or receiving care, acting unanimously; or if there is no ethics committee, by unanimous consent of a committee appointed by the chief of medical staff or chief executive officer of the facility and consisting of at least the following: (i) the primary treating physician; (ii) the chief of medical staff or his or her designee; (iii) the patient's clergyman, if known and available, or a member of the clergy who is associated with, but not employed by or an independent contractor of the facility, or a social worker associated with but neither employed by nor an independent contractor of the facility. In the event a surrogate decision is being made by an ethics committee or appointed committee of the facility where the patient is undergoing treatment or receiving care, the facility shall notify the Alabama Department of Human Resources for the purpose of allowing the department to participate in the review of the matter pursuant to its responsibilities under the Adult Protective Services Act, Chapter 9 of Title 38.

(e) The surrogate shall certify and attest under oath that he or she has contacted one or more of the person or persons who is or are in a class equal to or higher than the surrogate and that each class has either consented or expressed no objections to him or her acting as surrogate or to the decision made by the surrogate. The certification shall be included in the medical record.

(f) A surrogate's decision shall nevertheless be valid if:

(1) He or she is unable to contact an individual whose consent or non-objection would otherwise be required because the individual's whereabouts are unknown, because the individual is in a remote location and cannot be contacted in sufficient time to participate in a decision to provide, withhold, or withdraw the treatment, or because the individual has been adjudged incompetent and remains under that disability; and

(2) The surrogate certifies and attests to that fact. In that case, the individual shall not be included in determining whether the individual's class has consented or expressed no objection as required pursuant to Section 22-8A-11(e), Code of Alabama 1975.

(g) A health care provider who provides, withholds, or withdraws life-sustaining treatment or artificially provided nutrition and hydration from a patient upon the instructions of a surrogate who has certified and attested that he or she has qualified as a surrogate as required by this section shall not be subject to civil or criminal liability or be found to have committed an act of unprofessional conduct for providing, withdrawing, or withholding the life-sustaining treatment or artificially provided nutrition and hydration, nor shall the health care provider be deemed to be under a duty to investigate the truthfulness of the information certified and attested to by the surrogate.

(h) A surrogate acting pursuant to this section shall not be subject to civil or criminal liability or found to have committed an act of unprofessional conduct for decisions made in good faith to provide, withhold, withdraw, continue, or institute life-sustaining treatment, or artificially provided nutrition and hydration, unless the surrogate falsely or fraudulently certifies or attests to information required by this section.

(i) The Alabama State Board of Health shall prescribe by rule a form, which, when completed by a surrogate and duly notarized, shall constitute the certification of the surrogate as required by this chapter.

(j) If any relative, health care provider who is involved directly in the care of the patient, or other individual who is involved directly in providing care to the patient desires to dispute the authority or the decision of a surrogate to determine whether to provide, withhold, or withdraw medical treatment from a patient, he or she may file an action for declaratory and injunctive relief in the circuit court for the county where the patient is under treatment. A health care provider who is confronted by more than one individual who claims authority to act as surrogate for a patient may file an action for declaratory relief in the circuit court for the county where the patient is under treatment.

(i) An individual who knowingly certifies and attests to any information which is:

(1) Required by this chapter;

(2) Material to his or her authorization to act as a surrogate; and

(3) False, shall be guilty of a Class C felony. This shall be in addition to, and not in lieu of, penalties for other offenses of which the surrogate may be guilty by reason of this conduct.

Section 3. An advance health care directive executed in another state in compliance with the law of that state or of this state is valid for purposes of this act, but this section does not authorize the administration, withholding, or withdrawal of health care otherwise prohibited by the laws of this state.

Section 4. Any declaration made prior to the effective date of this chapter shall be given effect as provided in this chapter provided that:

(a) Such declaration was legally effective when written; and

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(b) Artificially provided nutrition and hydration shall not be withdrawn pursuant to the declaration unless specifically authorized therein.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 92; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Cams, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 553. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: Authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Clark (W) intended to vote "Yea" on passage of the bill, H. 553, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Carothers, the Budget Isolation Resolution relating to the bill, H. 554, was adopted.

Yeas 87; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D),

Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 554. (With Amendment): To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health to the bill, H. 554, said committee amendment being as follows:

On page 5, line 5, delete the language: "health or"

On page 5, line 20, after (ii), add the following: if the substantive provisions of the durable power of attorney are in substantial compliance and

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 554. To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Black (M), the rules were suspended in order to take up out of order the bill, H. 157, and the pending Budget Isolation Resolution.

BUDGET ISOLATION RESOLUTION ADOPTED

The question was then on the adoption of the Budget Isolation Resolution previously offered by Representative Black (M) to the bill, H. 157, and the Budget Isolation Resolution was adopted.

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Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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And the bill:

H. 157. (With Amendment): To provide for the presidents of two-year colleges under the jurisdiction of the Department of Postsecondary Education and the Department of Education to donate surplus property to certain local public high schools; and to provide for records of the transactions.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Education to the bill, H. 157, said committee amendment being as follows:

Amend H. 157 on Page 2, Section 1, line 12, by adding after the word "schools" the following: , public middle schools and public elementary schools

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren and Willis.

-86

And the bill:

H. 157. To provide for the presidents of two-year colleges under the jurisdiction of the Department of Postsecondary Education and the Department of Education to donate surplus property to certain local public high schools; and to provide for records of the transactions.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 90; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, McAdory, McDaniel, McMillan, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

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RESOLUTIONS

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Turnham:

H.R. 226. COMMENDING THE AUBURN TIGERS WOMEN'S BASKETBALL TEAM ON ITS SOUTHEASTERN CONFERENCE CHAMPIONSHIP.

Also:

The following resolution was introduced:

By Representative McKee:

H.J.R. 227. COMMENDING MAJOR GENERAL GEORGE BIBB PICKETT, JR.

The resolution, H.J.R. 227, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Little, Lindsey, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Clay, Davidson, Denton, Dial, Dixon, Escott-Russell, Figures, Freeman, Ghee, Hale, Hill, Langford, Lipscomb, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 70. MOURNING THE DEATH OF FORMER PROBATE JUDGE MARTHA KIRKLAND.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 70, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 2:15 p.m. on March 11, 1997.

H. 208

H.J.R. 185

H.J.R. 186

Delivered to the Governor at 4:25 p.m. on March 11, 1997.

H.J.R. 215

H. 18 (EXECUTIVE AMENDMENT)

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Drake, the House adjourned until 9:15 o'clock a.m., Thursday, March 13, 1997.

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TWELFTH DAY

**House of Representatives
Montgomery, Alabama
Thursday, March 13, 1997**

The House met pursuant to adjournment.

PRAYER

The session was opened with prayer by Reverend Randy Williams, Parkway Christian Fellowship, Birmingham, Alabama.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Jennifer McKnight and Sarah Fair, Westwood Elementary School, Coker, Alabama.

ROLL CALL

On a call of the roll of the House, the following members answered to their names:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

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A quorum was present.

REPORT OF STANDING COMMITTEE ON RULES

House of Representatives:

Your Standing Committee on Rules begs leave to report that it has carefully examined the Journal of the House for the eleventh legislative day and finds the same to be correct.

TOMMY CARTER
Chairman

On motion of Representative Carter, the reading at length of the Journal of the House for the eleventh legislative day was dispensed with.

MOTION TO ADJOURN ADOPTED

Representative Hammett offered the motion that when the House adjourns today, it adjourns to meet again at 1:00 o'clock p.m. on Tuesday, March 18, 1997, and the motion was adopted.

BILLS ON SECOND READING

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 562. (With Amendment): Relating to grandparent visitation; to provide further for the right of a grandparent to petition for visitation of grandchildren; and to repeal Section 30-3-4, Code of Alabama 1975.

H. 700. (With Amendment): To provide further for information to be contained on documents conveying an interest in real property that are offered for recordation in the office of the judge of probate, and to provide for an effective date.

S. 195. (With Amendment): To amend Section 13A-6-21 of the Code of Alabama 1975, as amended by Act No. 96-533, H. 296 of the 1996 Regular Session relating to a person who, with intent to cause physical injury and to prevent a peace officer or emergency medical personnel or firefighter or a teacher from performing a lawful duty, causes physical injury to any person commits assault in the second degree, to provide that a person who with intent to prevent a jailer, a guard, or certain security officers from performing a lawful duty, intentionally causes physical injury to any person, commits assault in the second degree; and to provide felony penalties.

Representative Newton (D), Chairperson of the Standing Committee on Judiciary, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 643. To provide for the crime of assisted suicide; and to provide for a penalty.

Representative Gaines, Chairperson of the Standing Committee on Business and Labor, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 662. Relating to limited liability companies, to define the terms business entity and organizer; to provide for the power of a company to be an organizer and assume certain capacities; to permit the use of certain abbreviations in the name of a company; to provide for the classification of a company for taxation and certain other purposes; to permit one person to form a company; to specify the contents of the articles of organization, including the name and address of any organizer and the rights of members in certain instances and for the filing of the articles; to permit an organizer to execute the articles of organization; to specify that the organizer is not subject to certain liabilities; to provide for an agent for service of process, for change of designation of an agent or address, and the duty of the registered agent; to delete certain reporting requirements; to permit inspection of records in certain instances; to specify the fiduciary duties of loyalty and care a member owes to a company and certain limitations, applications, modifications, and exceptions to such duties; to permit classes or groups of members or managers with specified rights, powers, duties, and voting rights, and to permit certain voting procedures; to provide that the initial operating agreement would be agreed to by all members; to provide further for distribution of property and the purchase of a member's interests; to specify the financial rights of the estate of a deceased or incompetent member, including rights regarding the inspection of records and rights to the duties of care and loyalty; to provide for the financial rights of a member subject to a charging order; to provide for cessation of membership and the effect upon certain rights and duties; to provide for dissolution and the effect if there are no remaining members; to specify the effect of the transfer of interest in a company performing professional services; to permit a representative to register a foreign limited liability company and to cancel the registration; to provide that articles of merger shall contain a foreign business entity's consent to service of process; specifying application to existing and future companies and a delayed effective date; and amending Sections 10-12-2, 10-12-4, 10-12-5, 10-12-8, 10-12-9, 10-12-10, 10-12-12, 10-12-13, 10-12-14, 10-12-15, 10-12-16, 10-12-21, 10-12-22, 10-12-24, 10-12-29, 10-12-30, 10-12-34, 10-12-35, 10-12-36, 10-12-37, 10-12-45, 10-12-47, 10-12-51, and 10-12-55.

H. 615. To provide that as a condition of eligibility for unemployment compensation, temporary employees shall contact the temporary help firm for new work upon completion of a temporary assignment.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 648. (With Amendment): To amend Sections 32-7-2, 32-7-6, and 32-7-7, Code of Alabama 1975, and to add Section 32-7-6.1, relating to the Motor Vehicle Safety-Responsibility Act requirements of proof of financial responsibility; requiring persons committing certain motor vehicle related offenses to provide proof of future financial responsibility satisfactory to the Director of the Department of Public Safety for liability for accidents arising out of the ownership, maintenance, and use of a motor vehicle subject to registration; providing for the confiscation of a person's motor vehicle license tags, driver's license, and driving privileges by a law enforcement officer in certain instances and for the issuance of a temporary license or tag; providing for fines and the distribution of the fines and for a criminal penalty for failure to furnish proof of future financial responsibility; providing for certain exceptions and conditional releases for the payment of claims; and providing the conditions under which interest is paid on payments of claims.

H. 709. (With Amendment): To amend Sections 1 and 2 of Act 96-692, 1996 Regular Session, now appearing as Section 27-2-39, Code of Alabama 1975; to further clarify the distribution of proceeds collected by the Commissioner of Insurance for deposit in the Insurance Department Fund.

Representative Laird, Chairperson of the Standing Committee on Insurance, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 597. (With Substitute) (With Amendment): Relating to service contracts, to regulate and provide standards for the providers of service contracts to consumers; to define certain terms; to provide exceptions to the application of this act; to require certain disclosures and other requirements applicable to service contracts and to provide certain exceptions; to provide for registration of service contract providers with the Commissioner of Insurance and for the payment of an annual fee; to authorize the Commissioner of Insurance to administer this act and provide for powers to investigate and examine providers, administrators, insurers, and other persons with obligations to service contract holders; to authorize the Commissioner of Insurance to take action to enforce this act and regulations and orders including the authority to issue orders, impose civil penalties, and file for injunctions against a provider; and to provide an aggrieved party a hearing process and restitution.

Representative Parker (P), Chairperson of the Standing Committee on Education, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 160. Relating to Troy State University; amending Sections 16-56-1 through 16-56-12, inclusive, Code of Alabama 1975; repealing Sections 16-56-13 through 16-56-15, inclusive, Code of Alabama 1975; changing the name to the Troy State University System; specifying the purposes of the university system; specifying the authority of the university system to borrow money and incur obligations; prescribing the powers, duties, authority, and compensation of the board of trustees; providing for the reorganization of the board of trustees, the election of a president pro tempore, and the operation of the board; providing for the appointment of a chancellor of the university system; authorizing the board of trustees to promulgate rules and procedures; providing for vacancy on the board of trustees; and repealing certain existing provisions relating to nursing scholarships.

H. 708. To amend Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education.

H. 757. To amend Section 16-36-29.1 of the Code of Alabama 1975; to provide for the purchase of equipment or electrical equipment by schools or teachers with funds allocated by the local board of education; and to establish other miscellaneous provisions relating to materials and supplies.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 546. Relating to St. Clair County; providing for additional costs and charges in all district and juvenile court cases; providing for the establishment of a Juvenile Court Services Fund; providing for collection of expenses incurred by the county in detaining a juvenile; and providing for the distribution of the funds.

H. 713. Relating to Dale County; providing for the establishment of a unit system for road maintenance, repair, and construction; providing for the employment, qualifications, and compensation of a county engineer; and defining the authority, powers, and duties of the county engineer and county commission.

H. 723. Relating to Walker County; proposing an amendment to the Constitution of Alabama of 1901; to subject the employees of the Office of the Sheriff of Walker County, except for the chief deputy, to the authority of the Walker County Civil Service Board.

The above bill was read a second time at length as required by the Constitution.

H. 750. Relating to Barbour County; authorizing the sheriff to operate a jail canteen and inmate telephone system and providing for the deposit, distribution, and auditing of the profits; and confirming and ratifying certain prior actions.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with substitute and amendments, and it was read a second time and placed on the Calendar, to-wit:

H. 216. (With Substitute) (With Amendments): To provide for a FY 1996-97 supplemental General Fund appropriation in the amount of \$7,943,565 to various state agencies; to provide for a FY 1996-97 supplemental appropriation to the Office of the Attorney General from the Attorney General Special Revenue Fund in the amount of \$700,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Corrections from the Corrections Special Revenue Fund in the amount of \$7,800,000; to provide for a FY 1996-97 supplemental appropriation to the Department of Finance from the Data Center Revolving Fund in the amount of \$8,000,000; and to provide for an effective date.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 610. To amend Section 12-17-81, Code of Alabama 1975, relating to the salary of the circuit clerks and registers, to provide further for the compensation.

H. 75. To create the Judicial Education Trust Fund; to increase the docket fee on certain municipal, district, and circuit court cases; to specify the distribution and use of the fees; and to make an appropriation of \$3,900,000 from the fund for the fiscal year ending September 30, 1998.

H. 673. To amend Section 36-21-2 of the Code of Alabama 1975, to provide a subsistence allowance to the marshal and deputy marshals employed by the state appellate courts.

H. 2. To amend Sections 2 and 9 of Act No. 95-314, 1995 Regular Session, now appearing as Sections 16-13-231 and 16-13-238, Code of Alabama 1975, relating to the local funding of public schools; to provide graduated increases for the minimum amount of local funding; and to provide further for reductions of program fund allocations.

H. 150. Allowing a member of the Teachers' Retirement System to purchase credit in the system for full-time prior service with the Cooperative Extension Service at Auburn University under certain conditions.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 672. (With Amendment): To amend Section 7 of Act 96-572, 1996 Regular Session, now appearing as Section 36-27-132, Code of Alabama 1975, to further provide for a cost-of-living increase for certain persons receiving benefits from the Employees' Retirement System, including beneficiaries of deceased persons currently receiving survivor benefits, who were employed by Auburn University or its cooperative extension service and whose effective date of retirement is prior to October 1, 1996.

H. 735. (With Amendment): To amend Sections 40-23-35 and 40-23-36, Code of Alabama 1975, to limit the amount of sales tax discount that may be allowed to \$900 per month per license holder; and to provide further for the distribution of the additional revenue generated by the cap on the sales tax discount.

H. 459. (With Amendment): To amend Section 36-26-36.1, Code of Alabama 1975; to provide that certain members of the state retirement systems have the option of receiving payment for a certain amount of unused sick leave at retirement or converting a certain amount of unused sick leave into membership service for retirement purposes.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 745. To make an appropriation of \$261,317 from the State General Fund to the Governor's Commission on Physical Fitness for the fiscal year ending September 30, 1998.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 357. (With Amendment): To amend Section 36-27-51 of the Code of Alabama 1975, to reopen the Employees' Retirement System of Alabama to allow certain local employees to purchase credit for certain prior service rendered to nonparticipating employers eligible for participation in the system.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 89. To allow an active and contributing member of the Employees' Retirement System to purchase up to a certain amount of prior service credit in the system for service rendered as an employee of a welcome center.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with substitute, and they were severally read a second time and placed on the Calendar, to-wit:

S. 438. (With Substitute): To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

H. 649. (With Substitute): To amend Section 38-4-12, Code of Alabama 1975 to further provide for the distribution of the one mill ad valorem tax; and to create the Alabama Veterans' Assistance Fund in the state treasury.

Representative Fuller, Chairperson of the Standing Committee on Ways and Means, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 565. To amend Sections 34-8-1, 34-8-7, and 34-8-9, Code of Alabama 1975, to provide further for the Licensing Board for General Contractors and to provide for a delayed effective date.

H. 344. To amend Section 40-12-248 of the Code of Alabama 1975, relating to the annual license taxes and registration fees for trucks or truck tractors; to further provide for the lower annual license tax and registration fee for certain trucks or truck tractors owned and used by a farmer.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 451. To establish a toll-free telephone number in the Office of the Attorney General for reports of violations of the Americans with Disabilities Act.

H. 443. To amend Section 34-14A-6, Code of Alabama 1975, relating to the licensing of home builders, to exempt licensed general contractors from the licensing requirements.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 657. (With Amendment): To amend Section 34-21-2, Code of Alabama 1975, to increase the membership on the Alabama Board of Nursing and to provide for the appointment of a consumer member.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

S. 226. To amend Section 36-16-8 of the Code of Alabama 1975, to provide further for duties of the State Auditor related to inventory control of state property.

S. 349. To amend Sections 34-40-3, 34-40-8, and 34-40-14, Code of Alabama 1975, relating to the Alabama Board of Athletic Trainers; providing for the membership on the board; providing for the duties and responsibilities of the board; providing for the employment of certain individuals; providing for reimbursement of expenses; requirements for the renewal of license; and to authorize grants to develop and promote athletic training programs and continuing education programs for athletic trainers.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendment, and they were severally read a second time and placed on the Calendar, to-wit:

H. 722. (With Amendment): To amend Sections 31-9-2, 31-9-6, 31-9-7, 31-9-8, 31-9-9, 31-9-10, 31-9-14, 31-9-16, 31-9-17, 31-9-18, and 31-9-21 of the Code of Alabama 1975; to redefine mutual interstate aid agreements and compacts to incorporate the Southern Governor's Association Southern Regional Emergency Management Compact for mutual assistance between states; to provide for civil defense in emergency situations; to expand the powers and duties of the Governor; and to repeal Section 31-9-12 of the Code of Alabama 1975, relating to reimbursement of expenses of operation of mobile support units.

H. 64. (With Amendment): To amend Section 36-16-8 of the Code of Alabama 1975, to provide further for the inventory control of state property by the Office of the State Auditor.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 366. To amend Section 36-16-11 of the Code of Alabama 1975, to exempt property of the Department of Mental Health and Mental Retardation from inventory control by the State Auditor.

H. 631. To amend Section 28-3-43, Code of Alabama 1975, relating to the duties and powers of the Alcoholic Beverage Control Board, to authorize the board to purchase and own buildings for its operations.

H. 462. To amend Sections 3 and 10 of Act 96-574, now appearing as Sections 34-14B-3 and 34-14B-9, Code of Alabama 1975, relating to the Alabama Home Inspectors Registration Act; to provide further for the limits of general liability insurance; to provide further for the clarification of the requirement for a positive net worth or fidelity bond in the amount of \$10,000; to provide further for the Secretary of State to promulgate an Alabama Home Inspectors Code of Ethics and an Alabama Home Inspectors Standards of Practice under the Administrative Procedure Act, and to further provide for penalties for violations.

H. 555. To amend Section 9-15-82, Code of Alabama 1975, to exempt transfers of real property from the state, or certain kinds of agencies, institutions, and components thereof to municipalities and counties or to boards, authorities, or agencies thereof or to non-profit corporations controlled by directors who are municipal or county officers, or who are appointed by the governing bodies of municipalities or counties, by members of the State Legislature, the Governor, or other state officials, and to permit such transfers by agreement if approved by the Governor.

H. 293. To establish within the Department of Industrial Relations a State Directory of New Hires; to provide new hire, recall, and rehire information reporting procedures for employers; to provide new hire, recall, and rehire information collection, reporting, and disclosure procedures for the Department of Industrial Relations; to provide wage, unemployment compensation, and workers' compensation information reporting and disclosure procedures; to authorize access to directory and employment security information; to establish safeguards for the dissemination of information; to authorize reimbursement for exchanges of information; to require the state to maintain an Income Eligibility Verification System and to provide for a waiver of this requirement; to provide for the collection of food stamp overissuances; to require the Department of Revenue to identify and furnish to the Department of Industrial Relations information on all employers in the state paying wages; to authorize the Director of Industrial Relations or the Commissioner of Human Resources to promulgate rules and regulations for the implementation and administration of the act; to prescribe administrative penalties for violation of the act; and to specify a prospective effective date.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, with amendment, and it was read a second time and placed on the Calendar, to-wit:

H. 358. (With Amendment): Adopting the Alabama Uniform Interstate Family Support Act; defining certain terms and designating the state tribunal; specifying jurisdiction, including extended personal jurisdiction, proceeding involving two or more states, and reconciliation of multiple orders; providing civil provisions of general application, including proceedings under this law, action by a minor parent, application of law of the state, duties of initiating tribunal, duties and powers of responding tribunal, inappropriate court, duties of support enforcement agency, duties of the Attorney General, use of private counsel, duties of the

Department of Human Resources as the state information agency, pleadings and accompanying documents, nondisclosure of information in exceptional circumstances, costs and fees, limited immunity of petitioner, nonparentage as a defense, special rules of evidence and procedure, communications between tribunals, assistance with discovery, and receipt and disbursement of payments; providing for the establishment of a support order and for the petition; providing for the enforcement of an order of another state without registration, including an employer's receipt and compliance with an income-withholding order, immunity from civil liability, penalties for noncompliance, contest by obligor, and administrative enforcement; providing for the enforcement and modification of a support order after registration, including registration and enforcement of a support order, contest of validity or enforcement, and registration and modification of a child support order; providing for proceedings to determine parentage; providing grounds and conditions for rendition; and providing for uniformity of application, a saving clause, construction, a short title, severability, a delayed effective date, and to repeal on a specified date Sections 30-3-90 to 30-3-99, inclusive, and Sections 30-4-80 to 30-4-98, inclusive; and to amend Sections 6-9-232 and 26-17-10 of the Code of Alabama 1975, to conform references to this law.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bill and ordered same returned to the House with a favorable report, and it was read a second time and placed on the Calendar, to-wit:

H. 274. To amend Section 38-10-8, Code of Alabama 1975, to further provide for support collections by the Department of Human Resources; and to provide for the distribution of support arrearage collections among all support orders relating to the obligor.

Representative Hooper, Chairperson of the Standing Committee on State Administration, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, with amendments, and they were severally read a second time and placed on the Calendar, to-wit:

H. 319. (With Amendments): Establishing the Family Assistance and Personal Responsibility Act; providing for the operation of the Family Assistance Program for recipients to receive temporary assistance for needy families; providing for a family's assistance benefit level to be frozen or not increased upon the birth of an additional child; limiting assistance to five years; providing for the development of Family Responsibility Plans; providing certain requirements for minors to receive assistance; providing for recipients of assistance to engage in work; providing for the Department of Human Resources to administer the program and to enforce requirements to deny assistance or penalize recipients under certain circumstances; allowing the Department of Human Resources to contract with public and private entities for work activities of recipients; providing for certain incentives for participating in work activities; restricting the use and disclosure of information relating to recipients receiving assistance; providing for penalties; amending Sections 38-1-1, 38-1-4, and 38-4-3, Code of Alabama 1975; and specifically repealing Section 38-4-10, Code of Alabama 1975.

H. 261. (With Amendments): Establishing the Alabama Child Support Reform Act of 1997; providing authority for the state Title IV-D agency to order genetic testing, to subpoena information, to obtain access to information from governmental agencies and public utilities, to change payees of support payments, to implement income withholding, and to increase the amount of monthly support payments; providing for quarterly data matches with financial institutions; providing for the seizure of accounts of delinquent obligors; providing for a central disbursement unit for the collection and disbursement of support payments; providing for access to criminal justice information; providing for the suspension of professional, occupational, and recreational licenses of obligors; providing for a central case registry of support orders; providing for income withholding procedures for employers; providing for the admission of evidence and the barring of jury trials for paternity actions; providing for liens against property; requiring social security numbers on official documents and notice to individuals regarding the purpose for the social security numbers on such documents; amending Sections 26-17-10, 26-17-12, 26-17-13, 26-17-20, 26-17-22, 30-3-60, and 30-3-61, Code of Alabama 1975; and amending Sections 1, 2, 3, 5, 6, 7, 8, and 10 of Act 96-563, 1996 Regular Session, now appearing as Sections 30-3-170, 30-3-171, 30-3-172, 30-3-174, 30-3-175, 30-3-176, 30-3-177, and 30-3-179, Code of Alabama 1975.

Representative Baker, Chairperson of the Standing Committee on Local Legislation No. 1, reported that said Committee in session had acted on the following bills and ordered same returned to the House with a favorable report, and they were severally read a second time and placed on the Calendar, to-wit:

H. 685. To alter and rearrange the boundary lines and corporate limits of the municipality of Anniston in Calhoun County to remove certain property from the corporate limits of the municipality.

H. 686. To alter and rearrange the boundary lines and corporate limits of the municipality of Blue Mountain in Calhoun County to remove certain property from the corporate limits of the municipality, all property owned only by Blue Mountain Industries.

H. 747. Relating to the City of Jacksonville in Calhoun County; to provide the term of the members of the city board of education would run from October of even years; and for this purpose extending the term of members.

H. 751. To amend Section 1, Act 86-564, H. 806, 1986 Regular Session, as amended, which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1999; and to provide for a retroactive effect.

H. 749. Relating to Jackson County; amending Act 79-349, H. 761, 1979 Regular Session, as amended, relating to the severance tax on coal, to provide further for the tax.

H. 762. Relating to Marion County; to repeal Act 81-475, H. 883, 1981 Regular Session (Acts 1981, p. 825), which authorized the Marion County Board of Education to set the salary of the superintendent of education in June of 1981.

H. 530. To alter and rearrange certain boundary lines and corporate limits of the Town of Rehobeth, all in T2N, R26 in Houston County to remove certain property from the corporate limits of the municipality.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 223. COMMENDING THE MARION COUNTY RED RAIDERS FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to the Marion County Red Raiders Boys' Varsity Basketball Team, Guin, Alabama, on its outstanding accomplishments of the 1996-97 season and on its achievement in state competition; and

WHEREAS, the talented Red Raiders, under the able leadership of Head Coach Barry Peoples, clearly demonstrated their competitive and will-to-win spirit, finishing the regular season with a spectacular 20-11 record, and advancing to the Final Four of the State Championship Class 1A Basketball Playoffs in Birmingham, Alabama, on March 4, 1997, for the first time in nearly three decades; and

WHEREAS, along the way, the courageous Raiders won the NAC tournament and the Area 9 Championship, defeated rival Winfield for the first time in many years, beat area and county rival Brilliant four times, defeated 3A Lamar County, went 2-1 in the Dora Christmas Classic against 5A teams, and swept through the Northwest Regions where they downed Speake and Athens Bible; and

WHEREAS, indeed, it was a remarkable year for the Raiders, and these fine young athletes and their talented coach are indeed deserving of highest praise for their dedicated efforts and contributions to a spectacular season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate Coach Barry Peoples and the Marion County Red Raiders, and direct that copies of this resolution be provided for appropriate presentation and school display.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 223, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 224. COMMENDING THE OPTIMIST CLUB OF EAST MONTGOMERY.

WHEREAS, Optimist International, which has long been a "Friend of Youth," is indeed proud to present its new program: "Always Buckle Children in the Backseat"; and

WHEREAS, "Always Buckle Children in the Back Seat," is a public education program involving every person interested in assisting law enforcement to protect our most valuable loved ones; and

WHEREAS, with its many years of constructive influence, the Optimist Club of East Montgomery plans to raise public awareness of this very important safety program for the children in our local community; and

WHEREAS, playing an important role in reducing unnecessary auto injuries to children, the Optimist Club of East Montgomery also is encouraging caretakers to: Always buckle children in the backseat, buckle up every child in the vehicle properly, and always secure rear-facing infant seats in the backseat; and

WHEREAS, through the Optimist International ABC Program, the Optimist Club of East Montgomery plans to play an important role in reducing unnecessary auto injuries to children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby acknowledge and applaud the many achievements of the Optimist International ABC Program and the enthusiastic support of the Optimist Club of East Montgomery.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the President of the Optimist Club of East Montgomery with the sincere gratitude of the public and best wishes for continued success.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 224, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 225. HONORING DONALD ARTHUR DALE AND RUBY BOSARGE DALE ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, heartiest congratulations are herein extended to Donald Arthur Dale and Ruby Bosarge Dale on the celebration of their 50th Wedding Anniversary; and

WHEREAS, a gala anniversary reception hosted by their children and grandchildren was held on February 8, 1997, at the Orange Grove Community Center, Pascagoula, Mississippi, with an imposing gathering of family and friends; and

WHEREAS, Mr. Dale served with honor in the United States Marines and, upon an honorable discharge, worked with tireless devotion for Ingalls Shipyard for 30 years, and as a carpenter for six years; and

WHEREAS, believing that the value and character of life originate in the home with prayer and God being at the center, Mr. and Mrs. Dale have indeed earned the respect of their family and friends for their generous spirit and great sensitivity to the needs of others; and

WHEREAS, natives of Pascagoula, Mr. and Mrs. Dale have resided in Grand Bay, Alabama, for the last 25 years, and are the loving parents of four daughters, Patricia, Donna, Deborah, and Paula; son, Donald, Jr.; and proud and active grandparents of 13 grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Donald Arthur Dale and Ruby Bosarge Dale are congratulated upon the occasion of their 50th Wedding Anniversary and, by copy of this resolution, conveyed best wishes for many more years of continued happiness.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 225, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

H.J.R. 227. COMMENDING MAJOR GENERAL GEORGE BIBB PICKETT, JR.

WHEREAS, Major General George Bibb Pickett, Jr., United States Army (Retired), graduated from the United States Military Academy at West Point on June 11, 1941, and served his country until his military retirement for physical disability on February 28, 1973; and

WHEREAS, exemplifying the highest standards of professionalism, he also was the recipient of numerous prestigious medals including the Bronze and Silver Stars, Distinguished Service Medal, and two Purple Hearts; he also garnered numerous other honors and awards from foreign governments; and

WHEREAS, Major General Pickett also was selected by General George S. Patton, Jr., for his outstanding leadership and dedication to command a battalion of armor in combat, the youngest officer to be so entrusted; and

WHEREAS, a direct lineal descendant from Alabama's first Governor, Major General George Bibb Pickett, Jr., has earned a lifetime of respect and admiration, and it is now time to join with family and friends in most heartily congratulating him on the occasion of his 79th birthday on March 20, 1997; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Major General Pickett is indeed commended on his noble military accomplishments and on the celebration of his 79th birthday.

BE IT FURTHER RESOLVED, That a copy of this resolution be extended to Major General Pickett with sincere best wishes for happiness and good health.

RESOLUTION ADOPTED

On motion of Representative Carter, the resolution, H.J.R. 227, was adopted.

REPORT OF STANDING COMMITTEE ON RULES

Representative Carter, Chairman of the Standing Committee on Rules, reported that said Committee, in session, had acted on the following resolution and ordered same returned to the House with a favorable report:

S.J.R. 70. MOURNING THE DEATH OF FORMER PROBATE JUDGE MARTHA KIRKLAND.

RESOLUTION ADOPTED

On motion of Representative Carter, the House concurred in and adopted the resolution, S.J.R. 70.

RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 228. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twelfth legislative day, Thursday, March 13, 1997, taking precedence over the regular order of business or any pending or unfinished business. Consideration of the following bills and the accompanying BIR shall be limited to a total of 10 minutes. Any bill that fails to pass within the 10-minute period will automatically revert to its position on the regular order calendar. These bills are not subject to motions to carry over temporarily or otherwise.

And the following bills:

Inst Id	Page
H. 185 (By Knight A)	125
Alcoholic beverages, malt or brewed beverages, stamps, crowns, or lids affixed thereto, removed, Secs. 28-3-184, 28-3-186 am'd., Sec. 28-3-187 repealed	
H. 202 (By Johnson R)	31
Driver's licenses, expiration, period for renewal without further exam, Sec. 32-6-1 am'd.	
H. 81 (By Layson)	108
Elections, disabled and handicapped, assistance provided	
H. 522 (By Rogers J)	63
Racing Commission in Class 1 muns., simulcasting auth.	

H. 464 (By Hill)	38
Teachers, school employees, unused personal leave days auth. to be converted to sick leave, Sec. 16-8-26 am'd., Sec. 16-8-26.1 repealed	
H. 640 (By Haney)	87
Canned computer software, defined, subject to sales and use tax, with cert. exceptions for research and experimentation, Secs. 40-23-1, 40-23-4, 40-23-60, 40-23-62 am'd., Act 96-544, 1996 Reg. Sess.; Act 96-887, 1996 Reg. Sess. am'd.	
H. 335 (By Hamilton)	62
Speed limits in school zones on highways, enforcement by local law enforcement authorities, Sec. 32-5A-171 am'd. Act 96-577, 1996 Reg. Sess. am'd.	
H. 76 (By Fuller)	8
Driving under the influence, fines, \$100 fine for distribution to Impaired Drivers Trust fund, transferred to Sec. 32-5A-191, Sec. 32-5A-191 am'd., Act 96-705, 1996 Reg. Sess. am'd., Sec. 32-5A-191.1 repealed	
H. 707 (By Newton C)	96
Securities, Uniform Transfer on Death Security Registration Act, permits automatic transfer of securities to beneficiary upon death of owner	
H. 655 (By Sanderson)	114
Commercial real estate broker, right to claim a lien for agreed compensation amount, filing, enforcement, release	
H. 262 (By Laird)	36
Legislature, membs. paid per diem for in-state travel in official business of st., Sec. 36-7-20 am'd.	
H. 556 (By Hill)	46
Freelance Court Reporter Act, bd., and fund estab., licenses issued	

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H. 140 (By Dukes)

26

Municipalities, mun. ct., mayoral powers to pardon and commute violations of mun. ordinances, Sec. 12-14-15 repealed

H. 295 (By Boyd)

50

Chemical weapons, regulation of disposal as hazardous wastes by Environmental Management Dept., Chemical Weapons Destruction Limitation Act

H. 275 (By McMillan)

18

Public works, competitive bid law revised, Secs. 39-1-1 to 39-1-3, 39-2-1 to 39-2-6, 39-2-8 to 39-2-13, 39-3-1, 39-3-4, 39-5-1 to 39-5-6, 41-16-20, 41-16-50 am'd., Secs. 39-3-2, 39-3-3, 41-16-1, 41-16-80 to 40-16-82 repealed

H. 328 (By Penry)

73

Volunteer health care provider program, estab., volunteer providers and facilities in need matched, volunteer st. employees for purposes of immunity

H. 329 (By Penry)

105

Civil liability, physicians and nurses volunteering service at free medical clinics without comp., immunity from auth.

H. 291 (By Haney)

2

Wine, fortified wine and native farm wine, alcohol content incr., Secs. 28-3-1, 28-3-168, 28-6-1, 28-7-2 am'd.

H. 385 (By Gaston)

102

Health care facilities, inspection of, advance notice of dates prohib., Sec. 22-21-29 am'd.

H. 368 (By Page)

24

Election officers, inspectors and clerks, comp., Sec. 17-6-13 am'd.

H. 52 (By Newton D)

92

Drugs, illegal sale, use, or possession, civil cause of action for persons injured by

H. 396 (By Allen)	76
High school graduation examination, st. bd. of ed., to make available to nonpublic high schools for reasonable fee	
H. 621 (By Dolbare)	120
Indians, Mowa Band of Choctaw Indians, in Mobile and Washington Counties, police officers, appointment, powers, limitations	
H. 436 (By Jorgensen)	103
Physicians compensated by third parties, for physicians' assistants services	
H. 669 (By Knight J)	106
State employees, out-of-state travel, colleges auth. to prepay, Sec. 36-7-21 am'd.	
H. 167 (By Rogers M)	58
County Comms., publication of financial report required annually, Secs. 11-3-21, 11-3-23 am'd.	
H. 245 (By Townsend)	41
Insurance, agents and brokers examination and fees, admin. of examination by Alabama institution of higher ed., fees by Commissioner of Insurance, limited, Sec. 27-8-7 am'd.	
On motion of Representative Carter, the resolution, H.R. 228, was adopted.	

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, H. 185, was adopted.

Yeas 61; Nays 3.

Yea:

Mr. Speaker, Allen, Black (M), Buskey, Carns, Carter, Clark (W), Clouse, Curry, Dolbare, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Houston, Jackson, Knight (A), Lindsey, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (D), Townsend, Vance, Venable, Willis and Wren.

-61

Nay:

Representatives Collins, Drake and Johnson (E).

- 3

S. 250 SUBSTITUTED FOR H. 185

In accordance with House Rule 20 and on motion of Representative Knight (A), the bill, S. 250, was substituted for the bill, H. 185.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (A), the Budget Isolation Resolution relating to the bill, S. 250, was adopted.

Yeas 55; Nays 5.

Yea:

Representatives Allen, Black (M), Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dolbare, Dukes, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hill, Hinshaw, Hogan, Houston, Johnson (R), Knight (A), Lindsey, McAdory, McDaniel, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (T), Penry, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Spratt, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-55

Nay:

Representatives Collins, Drake, Johnson (E), Laird and Layson.

- 5

And the bill:

S. 250. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

was read a third time at length and passed.

Yeas 63; Nays 3.

Yea:

Mr. Speaker, Black (M), Boyd, Buskey, Carothers, Carter, Clark (W), Clouse, Curry, Dean, Dolbare, Dukes, Ford, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (R), Jorgensen, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Penry, Petelos, Robinson, Rogers (M), Sanderford, Spratt, Starkey, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

-63

Nay:

Representatives Drake, Johnson (E) and Morrison.

- 3

H. 185 INDEFINITELY POSTPONED

On motion of Representative Knight (A), the bill:

H. 185. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

was indefinitely postponed.

MOTION TO SUSPEND RULES ADOPTED

On motion of Representative Hall (A), the rules were suspended in order to receive the call of Districts for the Introduction of Bills and Resolutions.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Hall (A), Robinson, Hinshaw, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (J), Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 229. EXTENDING BEST WISHES TO BETTY GULLEDGE FOR A SPEEDY RECOVERY.

WHEREAS, it is with sincere care and concern that we have learned of the illness and absence of Betty Gullledge, and it is with sincere friendship that we extend our best wishes to her for a successful and speedy recovery; and

WHEREAS, Betty has been a loyal employee of the state for some 30 years and, of course, a dedicated and dependable member of Legislative Reference Service (LRS) for some 28 of these years; and

WHEREAS, over her lengthy tenure as office manager of LRS, Betty has earned the highest regard of all with whom she has been associated for the efficient and responsible manner in which she has undertaken and discharged the many duties and responsibilities of her position, and for her commitment to the task at hand; and

WHEREAS, she also has earned the gratitude and respect of the many members of the Legislature who, over the years, have sought her assistance and come to rely heavily upon her proficiency, adeptness, and vast knowledge of legislative procedure and affairs; and

WHEREAS, Betty is indeed a valued member of our legislative family whom we truly miss, and we anxiously await the news that she is much improved; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we convey all best wishes to Betty Gullledge for the speediest possible recovery, and direct that she receive a copy of this resolution that she may know that she is much in our thoughts and prayers.

On motion of Representative Hall (A), the rules were suspended and the resolution, H.J.R. 229, was adopted.

Also:

By Representatives Allen, Parker (T), Curry, Clouse, Hayden, Hamilton, Carter, Newton (D), Johnson (E), McAdory, Black (M), Baker, Bandy, Black (L), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (J), Clark (W), Collins, Crigler, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren:

H.J.R. 230. COMMENDING FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH GENE STALLINGS ON HIS MANY LIFETIME ACHIEVEMENTS.

WHEREAS, in his lifetime record of accomplishments, former University of Alabama Head Football Coach Gene Stallings has demonstrated a can-do spirit of achievement both on and off the field; and

WHEREAS, over his successful tenure as head coach at Alabama, Coach Stallings compiled a widely acclaimed list of achievements which include an impressive overall 70-16-1 record; the 1992 National and SEC Championship and four SEC Western Division Championships; and the National Coach of the Year title in 1992, and SEC Coach of the Year honors in 1992 and 1993; and

WHEREAS, beyond his exemplary record of achievements as a coach, he has equally exemplified those truest ideals of humanitarianism and Christian service through his many deeds of compassion and concern on behalf of those in need, and, over the years, through speeches and public service announcements, golf tournaments and other fund-raising events, and in countless other capacities, Coach Stallings has given generously and freely of his time and energy as a volunteer and in support of numerous service organizations and efforts of public concern; and

WHEREAS, included among his charitable and civic causes have been the Tuscaloosa Association for Retarded Citizens, ARC, RISE, the Cerebral Palsy Telethon, Easter Seals, the Boy Scouts of America, Sheriff's Boys and Girls Ranch, MADD, American Heart Association, drug awareness, and child abuse; in fact he has always stood willing and ready to help whenever and however possible when called upon; and

WHEREAS, Coach Stallings helped raise \$600,000 through the Gene Stallings Golf Tournament benefiting the Association for Retarded Citizens (ARC); \$2,000,000 for RISE, and \$300,000 for Rainbow Omega, and was recognized for his many efforts as recipient of the Aubrey D. Green Humanitarian Award by the Lions Club of Alabama (1995-1996); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and appreciation of his outstanding career of accomplishments, both as a coach, and in service to his fellowman, highest commendation is hereby bestowed upon Coach Gene Stallings, for whom a copy of this resolution shall be provided.

On motion of Representative Allen, the rules were suspended and the resolution, H.J.R. 230, was adopted.

Also:

The following resolution was introduced and distributed according to Joint Rule 11:

By Representatives Clark (W) and Kennedy:

H.R. 231. COMMENDING REVEREND R. L. DAWSON ON HIS DISTINGUISHED MINISTRY AS PASTOR OF MT. OLIVE A. M. E. ZION CHURCH.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Johnson (R), the Budget Isolation Resolution relating to the bill, H. 202, was adopted.

Yeas 78; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Carns, Carter, Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maul, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

And the bill:

H. 202. (With Amendment): To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Highway Safety to the bill, H. 202, said committee amendment being as follows:

Amend H. 202 on page 3, line 10 after the word "three" by deleting the word "days" and inserting the word "years" in lieu thereof.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 70; Nays 0.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Carns, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Dukes, Ford, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Papucci, Parker (P), Payne, Penry, Petelos, Rogers (M), Sanderford, Seibenhener, Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

-70

And the bill:

H. 202. To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Baker, Black (M), Box, Boyd, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hammett, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (M), Sanderford, Seibenhener, Sims, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-79

Nay:

Representative Mitchell.

- 1

PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 202, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 202 spread upon the minutes of the House Journal.

My dissent is founded on the condition/s that follow: that significant physiological and physiological change may and does occur in the course of 3 years.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Layson offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 81.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 81, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Rogers (J), the Budget Isolation Resolution relating to the bill, H. 522, was adopted.

Yeas 36; Nays 23.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Boyd, Buskey, Clark (W), Crigler, Curry, Dean, Galliher, Gipson, Graham, Hall (A), Hall (L), Hammett, Hawk, Hayden, Hill, Hinshaw, Holmes, Hooper, Jackson, Johnson (E), Knight (J), McClammy, Minnifield, Newton (D), Page, Papucci, Perdue, Petelos, Pringle, Rogers (M), Spratt and Turner.

-36

Nay:

Representatives Carns, Collins, Dolbare, Drake, Gaines, Guin, Hawkins, Hogan, Laird, Layson, McKee, Millican, Morrison, Morton, Murphree, Payne, Sanderson, Sims, Smith, Thomas (D), Townsend, Willis and Wren.

-23

And the bill:

H. 522. To permit the operator of a racetrack in a Class 1 municipality, notwithstanding certain provisions of Section 11-65-32 of the Code of Alabama 1975, to transmit to, or receive from, other racetracks located in Alabama televised horse or greyhound racing events, to conduct pari-mutuel wagering on such televised racing events, and to participate in pari-mutuel pools that include bettors at other racetracks in Alabama that are transmitting or receiving such televised racing events; and to enable the operator of a racetrack in a Class 1 municipality to adjust takeouts in order to participate in combined pari-mutuel pools with other racetracks.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 34; Nays 29.

Yea:

Mr. Speaker, Black (L), Box, Burke, Clark (W), Crigler, Curry, Dean, Ford, Galliher, Graham, Hall (L), Hawk, Hayden, Hill, Hilliard, Hooper, Houston, Jackson, Johnson (E), Maull, Melton, Minnifield, Morrow, Newton (D), Page, Papucci, Penry, Perdue, Petelos, Pringle, Spratt, Thomas (J) and Turner.

-34

Nay:

Representatives Allen, Carns, Carothers, Collins, Dolbare, Drake, Gaines, Gipson, Guin, Hawkins, Hinshaw, Hogan, Laird, Layson, McDaniel, McKee, Morrison, Morton, Murphree, Payne, Rogers (M), Sanderson, Seibenhener, Sims, Smith, Thomas (D), Townsend, Willis and Wren.

-29

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Crigler inadvertently voted "Yea" and intended to vote "Nay" on passage of the bill, H. 522.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 464, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner and Warren.

-82

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 202. To amend Section 32-6-1 of the Code of Alabama 1975, to extend the renewal time period for a driver's license without further examination from one year to three years.

TOMMY CARTER
Chairman

And the bill, H. 202, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 157. To provide for the presidents of two-year colleges under the jurisdiction of the Department of Postsecondary Education and the Department of Education to donate surplus property to certain local public high schools; and to provide for records of the transactions.

TOMMY CARTER
Chairman

And the bill, H. 157, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 519. To amend Section 32-6-64, Code of Alabama 1975, to provide a generic distinctive license plate for passenger cars; to provide a process for approving new distinctive license plate categories without normal legislative bill enactment procedures; to provide minimum subscription requirements; to restrict use of distinctive license plates to passenger cars, pick-up trucks, and certain recreational vehicles only; to establish minimum quantity requirements for generic and distinctive plates; to amend Section 32-6-67 of the Code of Alabama 1975, to establish the functions of the legislative oversight committee; to add Section 32-6-68 to the Code of Alabama 1975 to provide an additional fee and a standard revenue distribution formula; and to provide for an effective date.

TOMMY CARTER
Chairman

And the bill, H. 519, as engrossed, was ordered sent to the Senate.

H. 464 TAKEN UP

And the bill:

H. 464. To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

was taken up.

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 464:

Amend House Bill 464, on page 4, line four, after the word "state" insert a comma (,) and delete the word "or" and after the word "board" insert the following: , or the institution

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren and Willis.

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**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 553. To amend Sections 22-8A-2, 22-8A-3, 22-8A-4, 22-8A-5, 22-8A-6, 22-8A-7, 22-8A-8, 22-8A-9, and 22-8A-10, Code of Alabama 1975, to: Authorize competent adults to make written directions concerning the providing, withholding, or withdrawing of life-sustaining treatment and artificially provided nutrition and hydration in instances of terminal conditions and permanent unconsciousness, permit the designation of proxy decision-makers, and provide for the appointment of surrogate decision-makers in instances where the patient has not made such a designation.

TOMMY CARTER
Chairman

And the bill, H. 553, as engrossed, was ordered sent to the Senate.

H. 464 RESUMED

And the bill:

H. 464. To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 0.

Yea:

Representatives Allen, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Ford, Gaines, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Petelos, Robinson, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren, Willis and Wren.

-79

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 640, was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren and Willis.

-82

Nay:

Representative Page.

- 1

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 554. To amend Section 26-1-2, Code of Alabama 1975, relating to durable powers of attorney; authorizing the appointment of an attorney in fact to make health care decisions on behalf of a principal in the event that the principal can no longer make or communicate those decisions.

TOMMY CARTER
Chairman

And the bill, H. 554, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 179. HONORING THE WILBERFORCE UNIVERSITY GOSPEL CHOIR AND WELCOMING THEM TO BETHEL AME CHURCH, ENSLEY, BIRMINGHAM, ALABAMA.

Also:

H.J.R. 180. COMMENDING HATTIE P. KING, MS. SENIOR AMERICA OF ALABAMA, 1997.

Also:

H.J.R. 183. COMMENDING AMBER MILLER, MISS ALABAMA AGRICULTURE, AND WELCOMING HER TO THE ALABAMA LEGISLATURE.

Also:

H.J.R. 195. MOURNING THE DEATH OF MRS. ALICE GRAY WALLACE.

Also:

H.J.R. 196. COMMENDING JUSTIN COCKRELL GARRICK OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 197. COMMENDING CHARLES EUGENE LEWIS OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 198. COMMENDING DAVID MCFERRIN WALSH OF VESTAVIA HILLS, ALABAMA, ON OBTAINING THE RANK OF EAGLE SCOUT.

Also:

H.J.R. 199. DESIGNATING MANUFACTURING WEEK.

Also:

H.J.R. 202. COMMENDING DR. JOHN L. EDWARDS FOR HIS PROFESSIONAL ACHIEVEMENTS.

Also:

H.J.R. 203. COMMENDING THE NURSING STAFF OF ST. VINCENT'S HOSPITAL, BIRMINGHAM, ALABAMA.

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Also:

H.J.R. 205. COMMENDING MRS. JUDY HOLLAND AS SUPPORT STAFF PERSON OF THE YEAR.

Also:

H.J.R. 211. COMMENDING THE CITY OF BIRMINGHAM ON ITS 125TH ANNIVERSARY.

Also:

H.J.R. 213. CONGRATULATING REPRESENTATIVE AND MRS. JAMES KENNETH GUIN, JR., ON THE BIRTH OF THEIR SON, JAMES KENNETH GUIN, III.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

H. 640 TAKEN UP

And the bill:

H. 640. To amend Sections 40-23-1, as amended by Act 96-887, 1996 Regular Session, 40-23-4, as amended by Act 96-544, 1996 Regular Session, 40-23-60, Code of Alabama 1975, and 40-23-62, as amended by Act 96-544, 1996 Regular Session, to specifically include canned computer software into the definitions of "sales" and "purchase"; to define canned computer software to make it subject to sales tax and use tax; and to exempt computer software for use in research and experimentation from sales and use taxes.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 93; Nays 1.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Warren, Willis and Wren.

-93

Nay:

Representative Page.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hamilton, the Budget Isolation Resolution relating to the bill, H. 335, was adopted.

Yeas 81; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Carns, Carter, Clark (W), Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hammett, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (E), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Venable, Willis and Wren.

-81

And the bill:

H. 335. To amend Section 32-5A-171 of the Code of Alabama 1975, as amended by Act 96-577, H. 755 of the 1996 Regular Session, to provide further for enforcement of speed limits on highways by municipal law enforcement officers.

was taken up.

AMENDMENT OFFERED

Representative Hall (A) offered the following amendment to the bill, H. 335:

On page 4, line 21, after the word "municipality" add the following: where a citation may be given which shall be tried in district court where the offense occurred

AMENDMENT TABLED

On motion of Representative Guin, the amendment offered by Representative Hall (A) to the bill, H. 335, was tabled.

Yeas 37; Nays 20.

Yea:

Representatives Black (M), Carns, Carter, Curry, Dolbare, Dukes, Gipson, Guin, Hamilton, Hayden, Hooper, Houston, Jackson, Johnson (E), Laird, Layson, McAdory, McDaniel, McKee, Minnifield, Morrison, Morton, Murphree, Newton (C), Newton (D), Parker (T), Payne, Petelos, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Townsend, Turner, Turnham and Venable.

-37

Nay:

Representatives Allen, Carothers, Clouse, Crigler, Drake, Gaines, Hall (A), Haney, Hawkins, Hinshaw, Johnson (R), Jorgensen, Millican, Mitchell, Morrow, Papucci, Robinson, Sanderson, Starkey and Thomas (D).

-20

AMENDMENT OFFERED

Representative Newton (C) offered the following amendment to the bill, H. 335:

On page 2, line 22, strike "45" and insert in lieu thereof: 55

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Parker (T), Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Venable, Willis and Wren.

-86

Nay:

Representative Petelos.

- 1

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 335, as amended, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Bill, your signature thereto is requested:

S. 250. To amend Sections 28-3-184 and 28-3-186 of the Code of Alabama 1975, relating to malt or brewed beverages; to remove the requirement that containers of these beverages have stamps, crowns, or lids affixed thereto; to repeal penalties and identification; and to specifically repeal Section 28-3-187 of the Code of Alabama 1975.

McDOWELL LEE
Secretary

SIGNING OF SENATE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Message from the Senate.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Presiding Officer of the Senate having signed the following Senate Joint Resolution, your signature thereto is requested:

S.J.R. 70. MOURNING THE DEATH OF FORMER PROBATE JUDGE MARTHA KIRKLAND.

McDOWELL LEE
Secretary

SIGNING OF SENATE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Senate Joint Resolution, the title of which is set out in the foregoing Message from the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Fuller, the Budget Isolation Resolution relating to the bill, H. 76, was adopted.

Yeas 79; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Buskey, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turnham, Vance, Venable, Willis and Wren.

-79

Nay:

Representatives Dukes and Guin.

And the bill:

H. 76. (With Amendments): To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

was taken up.

The question was then on the adoption of the amendment #1 reported by the Standing Committee on Ways and Means to the bill, H. 76, said committee amendment being as follows:

Amend H. 76 on Page 5, lines 23 and 24 and on Page 6, lines 9 and 10 by deleting the following words: "within a five-year period"

AMENDMENT ADOPTED

And the amendment #1 was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-86

The question was then on the adoption of the amendment #2 reported by the Standing Committee on Ways and Means to the bill, H. 76, as amended, said committee amendment being as follows:

Amend H. 76 on Page 8 by striking lines 24-26 and on Page 9 lines 1,2,3,and 4 in their entirety and inserting the following in lieu thereof: "follows: the first three hundred fifty dollars (\$350) collected for a first conviction, the first six hundred dollars (\$600) collected for a second conviction within five years, the first one thousand one hundred dollars (\$1,100) collected for a third conviction, and the first two thousand one hundred dollars (\$2,100) collected for a fourth or subsequent conviction shall be deposited to the the State Treasury with the first".

AMENDMENT ADOPTED

And the amendment #2 was adopted.

Yeas 76; Nays 2.

Yea:

Mr. Speaker, Allen, Baker, Black (L), Box, Carns, Carothers, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Morrow, Morton, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-76

Nay:

Representatives Dukes and Guin.

- 2

And the bill:

H. 76. To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 79; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable and Wren.

-79

Nay:

Representative Guin.

- 1

CO-SPONSOR ADDED

Representative Hawkins was added as co-sponsor to the bill, H. 76, as amended.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (C), the Budget Isolation Resolution relating to the bill, H. 707, was adopted.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Willis and Wren.

-89

RESOLUTION

The following resolution was introduced and distributed according to Joint Rule 11:

By Representative Jackson:

H.R. 232. RECOGNIZING WITH COMMENDATION THE 103RD ANNIVERSARY OF STAR OF ZION A. M. E. ZION CHURCH.

H. 707 TAKEN UP

And the bill:

H. 707. Providing for the Uniform Transfer On Death Security Registration Act; permitting owners of securities to register beneficiaries to whom the ownership of the security shall be transferred upon the death of the owner; providing certain ownership and registering requirements, applicable law, the effect of registering, protection for the registering entity, terms and conditions the registering entity may impose, and illustrations of registration forms.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 655, was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

-88

And the bill:

H. 655. (With Substitute): Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Commerce, Transportation and Utilities to the bill, H. 655, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. As used in this act the following terms have the following meanings:

(1) **BROKER.** A broker as defined in Section 34-27-2 of the Code of Alabama 1975.

(2) **CLIENT.** A person or entity having an interest in commercial real estate that has entered into a written brokerage or agency agreement with a real estate broker relative to the commercial real estate.

(3) **COMMERCIAL REAL ESTATE.** Any real estate including real estate classified as agricultural for tax assessment purposes other than real estate containing one to four residential units. Commercial real estate does not include single-family residential units such as condominiums, townhomes, mobile homes, residential lots, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units.

(4) **CONVEYANCE.** A sale, lease, or other transfer of commercial real estate.

(5) **REAL ESTATE.** Real property as defined in subdivision (7) of Section 1-1-1 of the Code of Alabama 1975.

Section 2. (a) Any real estate broker who is not an employee or independent contractor of another real estate broker shall have a lien, in the amount of the compensation agreed upon by and between the broker and the landlord or seller or other client, upon commercial real estate or any interest in commercial real estate which is owned by a client or by a party whose commercial real estate may be lienied if different from the client who has received written notice from the broker as required by this act prior to obtaining an interest in the commercial real estate through a conveyance, lease or otherwise. Commercial real estate, or an interest therein, acquired by a person other than a client prior to receipt of the notice from the broker required by this act is not subject to the lien provided by this act. The lien shall arise:

(1) Out of a listing agreement or other brokerage agreement for the management, sale, lease, or other conveyance of any interest in the commercial real estate as evidenced by a writing signed by the owner or the owner's expressly authorized agent and with written notice, by certified mail, return receipt requested, to the party ~~who~~ whose commercial real estate may be lienied, if different from the parties to the brokerage agreement;

(2) As to which the broker or broker's employees or independent contractors have provided licensed services that (i) resulted in the procuring of a person or entity ready, willing, and able to enter and who actually enters into a purchase or lease or otherwise accepts a conveyance of the commercial real estate or any interest in the commercial real estate upon terms acceptable to the owner as evidenced by an agreement or conveyance signed by the owner or the owner's expressly authorized agent; and (ii) otherwise ~~not satisfied~~ satisfied all of the conditions ~~were satisfied~~ in the brokerage agreement for payment of compensation, and with written notice, by certified mail, return receipt requested, to the party whose property may be lienied, if different from the parties to the agreement; or

(3) When a broker having a written agreement with a prospective buyer or tenant to represent the buyer or tenant as to the purchase, lease, or other conveyance of commercial real estate becomes entitled to compensation and with written notice, by certified mail, return receipt requested, to the party whose property may be liened, if different from the parties to the agreement.

(b) A lien shall attach to the commercial real estate, or any interest in commercial real estate as described in subsection (a), upon the broker's recording a notice of lien in the county land records in the office of the judge of probate in the county in which the ~~real property~~ commercial real estate or interest in the commercial real estate property is located.

(c) When payment to a broker is due in one lump sum and not paid, the claim for lien shall be recorded within 90 days after the tenant takes possession of the leased premises or the transaction procured by the broker is closed.

(d) When payment to a broker is due in installments, all or a portion of which is due only after a conveyance of the commercial real estate, any claim for lien for those payments due after conveyance may be recorded at any time subsequent to the conveyance so long as the claim for lien is recorded within 90 days of the date the payment was due and not paid.

(e) If a broker has a written agreement with a client as provided for in subdivision (3) of subsection (a), then the lien shall attach to the client's interest upon the client's purchasing, leasing, or otherwise accepting a conveyance of the commercial real estate and the recording of a notice of lien by the broker in the office of the judge of probate in the county in which the commercial real estate or interest in the commercial real estate is located, within 90 days after the later of purchase, lease, or other conveyance or transfer to the buyer or tenant or the failure of the buyer or tenant to compensate the broker or to cause the broker to be compensated pursuant to its agreement.

(f) If a broker has a written management agreement for an improved commercial real estate, then the claim for lien must be recorded within 90 days of the termination of the agreement.

(g) If a broker claims a lien based upon an option to purchase or lease, the lien must be filed within 90 days of the date the transaction for which a commission or other fee is due or within 90 days of the date the transaction for sale, lease, or other conveyance is closed, whichever is later.

(h) The lien notice shall state the name of the claimant, the name of the owner, a description of the commercial real estate upon which the lien is being claimed, the amount for which the lien is claimed, and the real estate license number of the broker. The notice of lien shall recite that the information contained in the notice is true and accurate to the knowledge of the signatory. The lien notice shall recite that the broker has disclosed to all parties that a lien might be claimed under this act. The notice of lien shall be signed by the broker or by a person expressly authorized to sign on behalf of the broker and shall be verified.

(i) The broker shall mail a copy of the notice of lien to the owner of the commercial real estate by certified mail, return receipt requested. The broker's lien shall be void and unenforceable if notice is not given or if recording does not occur within the time and the manner required by this section.

(j)(1) A broker may bring suit to enforce a lien in the circuit court in the county where the commercial real estate is located by filing a verified complaint and sworn affidavit that the lien has been recorded. Within 180 days after recording the lien, the broker claiming a lien shall commence proceedings by filing a complaint. Failure to ~~commence~~ commence proceedings within ~~one year~~ 180 days after recording the lien shall extinguish the lien. A broker claiming a lien based upon an option to purchase or lease shall, within ~~six months~~ 180 days after the transfer or conveyance of the commercial real estate under the exercise of the option, commence proceedings by filing a complaint. Failure to commence proceedings within this time shall extinguish the lien.

(2) No subsequent notice of lien may be given for the same claim nor may that notice be asserted in any proceedings under this section.

(3) A complaint under this subsection shall contain a brief statement of the contract or agreement on which the lien is founded, the date when the contract or agreement was made, a description of the services performed, the amount due and unpaid, a description of the commercial real estate that is subject to the lien, and other facts necessary to state a claim for the payment of a commission, fee, or other compensation due the broker. The plaintiff shall make all interested parties, whose interest in the commercial real estate is affected by the action, and of whom the plaintiff is notified or has knowledge, defendants to the action, and shall issue summons and provide service as in other civil actions. Complaint, answer, summons, service, and all other particulars of suit shall be made in accordance with the Alabama Rules of Civil Procedure. All liens claimed under this section shall be foreclosed as provided for by law.

(k) The costs and expenses of all proceedings brought under this section, including reasonable attorney's fees actually incurred, costs, and prejudgment interests due to the prevailing party, shall be borne by the nonprevailing party or parties. When more than one party is responsible for costs, fees, and prejudgment interests, the costs, fees, and prejudgment interests shall be equitably apportioned by the court among those responsible parties.

Section 3. Mortgages and other liens recorded prior to the recording of the broker's lien provided by this act, and liens for ad valorem taxes shall have priority over the broker's lien provided by this act. Knowledge by a mortgagee or other lienholder of the existence or possible existence of an unrecorded broker's lien shall not affect the priority of the mortgage or other lien.

Section 4. Except as otherwise provided in this section, whenever a claim for lien has been filed in the office of the judge of probate, an escrow account may be, but is not required to be, established in an amount sufficient to release the

claim for lien. These moneys shall be held in escrow until the parties' rights to the escrowed moneys have been determined by written agreement of the parties, by a final court order, or by any ~~another~~ other process which may be agreed to by the parties for resolution of their dispute. Upon the escrow of funds in the amount of the claimed lien, the lien or claim of lien shall be automatically dissolved, and the broker shall be deemed to have an equitable lien on the escrow funds pending a resolution of the broker's claim. The escrow shall not be released until a resolution is reached and agreed to by all necessary parties or ordered by a court. The parties may agree to any ~~escrow procedure~~, if alternative procedures which would allow the transaction to close which are available and are acceptable to the parties and to the broker claiming the lien in the transaction.

Section 5. (a) Whenever a claim for lien has been filed with the office of the judge of probate and a condition occurs that would preclude the broker from receiving compensation under the terms of the broker's written agreement, the broker shall record a written release or satisfaction of the lien, in the proper office of the judge of probate and shall furnish a copy of the recorded release or satisfaction to the owner.

(b) Upon written demand of the owner, lienee, or other authorized agent served on the broker claiming the lien requiring that suit be commenced to enforce the lien or answer be filed in a pending suit, a suit shall be commenced or answer filed in a pending suit, within 60 days thereafter, or the lien shall be extinguished. Service of such demand shall be in the manner provided by the Alabama Rules of Civil Procedure for the service of a summons and complaint.

(c) Whenever a claim for lien has been timely filed in the office of the judge of probate and is paid, or where there is failure to institute a suit to enforce the lien within the time provided by this act, the lien shall be invalid and the broker shall, within 30 days after payment or expiration of the time in which to perfect the lien, record a written release or satisfaction of the lien in the proper office of the judge of probate and shall furnish a copy of the recorded release or satisfaction to the owner. This release of the broker shall not be required to invalidate the lien.

(d) The broker's right to file and record a lien provided for in this act shall be terminated and dissolved if the owner, purchaser from owner, lender providing a loan secured by commercial real estate, or other holder of an interest in the commercial real estate shows either of the following:

(1) The lien has been waived in writing by the lien claimant or its expressly authorized agent.

(2) The owner or a person at whose instance the brokerage or management services were provided has given a sworn written statement that all compensation due or to become due under the listing, management, lease, or other brokerage agreement has been paid or has been waived in writing by the potential lien claimant, or that no compensation is owed to any broker related to the commercial real estate.

Section 6. This act shall become effective on May 1, 1998, after its passage and approval by the Governor, or upon its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 93; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Fuller, Gaines, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Willis.

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And the bill:

H. 655. Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 91; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Houston, Jackson, Johnson (R), Jorgensen, Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Murphree, Newton (C),

Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Willis and Wren.

-91

Nay:

Representative McAdory.

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Laird, the Budget Isolation Resolution relating to the bill, H. 262, was adopted.

Yeas 76; Nays 7.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Buskey, Carothers, Clark (W), Crigler, Curry, Dean, Drake, Dukes, Flowers, Ford, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, Lindsey, Mauli, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Murphree, Newton (C), Page, Papucci, Parker (P), Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turnham, Vance, Venable, Willis and Wren.

-76

Nay:

Representatives Carns, Clouse, Dolbare, Hawkins, Payne, Seibenhener and Townsend.

- 7

And the bill:

H. 262. Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

was taken up.

SUBSTITUTE OFFERED

Representative Laird offered the following substitute to the bill, H. 262:

A BILL
TO BE ENTITLED
AN ACT

Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-7-20 of the Code of Alabama 1975, is amended to read as follows:

"§36-7-20.

"(a) The amount allowable to a person traveling inside the State of Alabama in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies for expenses other than transportation may be fixed by the Governor at not less than fifty dollars (\$50) nor more than seventy-five dollars (\$75) per day, and ~~such~~ this maximum or limit when fixed from time to time shall be uniform in operation as to all persons traveling within the state on official business. ~~However, members of the Legislature shall be excluded from this section.~~

"(b) No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of 15 percent of the regular per diem rate for a trip of from six to 12 hours' duration, and for travel in excess of 12 hours' duration, the traveler shall be paid one meal allowance and one-fourth of the per diem allowance.

"(c) The per diem allowance shall not be paid to an employee stationed at the same place in the state for a period in excess of two consecutive months. After two consecutive months the amount of the allowance shall be reduced to 75 percent of the regular per diem rate per day. Notwithstanding the foregoing, this section shall not apply to officers and employees of the State of Alabama when they incur expenses representing the State of Alabama in the encouragement and promotion of trade or industrial development. On those occasions, when the representation is properly approved, those persons shall be reimbursed for the actual expenses incurred and paid by them if the representation is approved in advance in writing by the Governor or by the Director of Finance when so designated by the Governor.

"(d) This section shall not apply to examiners or other persons designated by the Commissioner of Insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by those persons shall be paid by, collected, or received from the corporations examined under Section 27-2-25.

"(e) This section shall be optional with the employing agency in those instances where the employee is required to attend training sessions, schools, seminars or other like group functions at a facility when it would serve the best interests of both the state and the employee, or in those instances when the employee is assigned to assist in suppressing on-going natural disaster situations, or other emergencies. In those cases, the cost of meals and per diem may be paid as set forth herein or by the employing agency of the state directly to the contract facility furnishing the service, but the costs of these services shall not exceed the amount allowable to the individual employee for in-state travel.

"(f) For purposes of applying this section to members of the Legislature, each of the following shall apply:

"(1) The presiding officer of the house to which the member belongs shall determine if the travel is in the service of the state.

"(2) In connection with the same travel, members of the Legislature shall receive per diem under this section except as follows:

"(a) for attendance on special or regular session days or committee meeting days of the Legislature; and

"(b) for attendance on interim committee meeting days of the Legislature.

"(3) Travel means a departure from the place of residence of the member of the Legislature."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 53; Nays 16.

Yea:

Mr. Speaker, Allen, Black (L), Carns, Carothers, Dean, Dolbare, Drake, Dukes, Flowers, Fuller, Gaines, Galliher, Gaston, Gipson, Graham, Hall (L), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Houston, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Letson, McAdory, McClammy, Melton, Millican, Minnifield, Page, Papucci, Payne, Penry, Perdue, Pringle, Rogers (J), Rogers (M), Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable and Warren.

Nay:

Representatives Baker, Clouse, Hall (A), Hayden, Hogan, Maull, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Robinson, Seibenhener, Smith and Wren.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolutions and returns same herewith to the House:

H.J.R. 74. COMMENDING THE ALABAMA INSTITUTE FOR DEAF AND BLIND FOR ITS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA AND DESIGNATING 1997 AS THE YEAR OF SPECIALIZED SCHOOLS FOR THE DEAF, BLIND, AND MULTIHANDICAPPED IN ALABAMA.

Also:

H.J.R. 76. COMMENDING CLYNEICE LEDBETTER ON HER PROFESSIONAL ACCOMPLISHMENTS.

Also:

H.J.R. 178. COMMENDING BILL HOMER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

McDOWELL LEE
Secretary

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 229. EXTENDING BEST WISHES TO BETTY GULLEDGE FOR A SPEEDY RECOVERY.

McDOWELL LEE
Secretary

H. 262 RESUMED

And the bill:

H. 262. Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 36; Nays 34.

Yea:

Mr. Speaker, Black (L), Boyd, Carothers, Dean, Drake, Dukes, Flowers, Galliher, Graham, Hall (L), Hamilton, Haney, Hilliard, Holmes, Houston, Johnson (E), Kennedy, Knight (J), Laird, Maull, McAdory, McClammy, Melton, Minnifield, Papucci, Penry, Perdue, Pringle, Rogers (J), Spratt, Starkey, Thomas (J), Turnham, Vance and Warren.

-36

Nay:

Representatives Baker, Carns, Clouse, Collins, Dolbare, Gaines, Gaston, Guin, Hall (A), Hawkins, Hayden, Hill, Hinshaw, Johnson (R), Jorgensen, Knight (A), Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Payne, Robinson, Seibenhener, Smith, Thomas (D), Townsend, Venable, Willis and Wren.

-34

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Hill, the Budget Isolation Resolution relating to the bill, H. 556, was adopted.

Yeas 77; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, McAdory, McClammy, McMillan, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-77

Nay:

Representative Gaines.

- 1

And the bill:

H. 556. To establish the Alabama Freelance Court Reporter Act; to provide for a board of directors, and its terms of office, duties, and powers; and to prescribe penalties.

was taken up.

AMENDMENT OFFERED

Representative Hill offered the following amendment to the bill, H. 556:

Amend House Bill 556 on Page 1, Line 25, by inserting the following "This bill would establish the the Alabama State Board of Freelance Court Reporters Fund and provide for an appropriation from this fund for the fiscal year ending September 30, 1998."

Further amend House Bill 556 on Page 2, Line 6, by adding after the word "powers;" the following "to establish the Alabama State Board of Freelance Court Reporters Fund and to provide for an appropriation from this fund for the fiscal year ending September 30, 1998;"

Further amend House Bill 556 on Page 16 and Page 17, by deleting Section 14 in its entirety and inserting in lieu thereof a new Section 14 to read as follows:

"Section 14. There is hereby established a separate special revenue trust fund in the State Treasury to be known as the Alabama State Board of Freelance Court Reporters Fund. All receipts collected by the board under the provisions of this act are to be deposited into this fund and shall be used only to carry out the provisions of this act. Such receipts shall be disbursed only by warrant of the State Comptroller upon the State Treasury, upon itemized vouchers approved by the Chair of the Board. No funds shall be withdrawn or expended except as budgeted and allotted according to Sections 41-4-80 to 41-4-98, inclusive, and 41-19-1 to 41-19-12, inclusive, Code of Alabama 1975, and only in amounts as stipulated in the general appropriations bill or other appropriations bills."

Further amend House Bill 556 on Page 17, Line 10, by inserting the following new Section and renumbering the subsequent Sections accordingly:

"Section 15. There is hereby appropriated from the Alabama State Board of Freelance Court Reporters Fund to the Alabama State Board of Freelance Court Reporters such amount as is deemed necessary by the Board for fiscal year 1997-98."

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 556, and the pending amendment offered by Representative Hill expired and the Speaker proceeded to the next bill on the Special Order Calendar.

CO-SPONSOR ADDED

Representative Drake was added as co-sponsor to the bill, H. 556.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 472. Relating to DeKalb County; to amend Act No. 315, S. 448, 1923 Regular Session, as amended; to provide that the DeKalb County Superintendent of Education be elected by those qualified voters of the county residing outside of a municipality served by a city board of education.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 472, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 472. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

**REGULAR SESSION
12th Day**

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By Senator Barron (With Notice and Proof):

S. 427. Relating to DeKalb County; providing for the expense allowance of the coroner.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 427, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 427. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senator McClain (With Notice and Proof):

S. 491. Relating to Jefferson County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 491, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 491. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 452. Relating to Jefferson County; to amend Sections 2, 3, 4, 7, 8, 9, 11, 12, and 14 of Act No. 259, H. 530 of the 1943 Regular Session, as amended, to provide further for the Expeditious and Economical Tax Appeals Act by allowing the jury to set the reasonable and fair market value of real property; deleting the consolidation of multiple parcels; establishing the original assessment as prima facie value; requiring payment of taxes based upon the prior year assessment while an appeal is active; and requiring payment of interest and costs.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 452, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 452. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 490. Relating to Jefferson County; to provide for the salary of the sheriff commencing with the next term of office.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 490, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 490. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator McClain (With Notice and Proof):

S. 165. Relating to the Sheriff of Jefferson County; providing for an additional expense allowance for the sheriff; providing that the expense allowances provided to the sheriff shall be eligible for certain treatment for the determination of retirement benefits and allowances and for the withholding of required contributions for membership in any retirement system in which the sheriff may participate.

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 165, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 165. Local Legislation No. 2.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following Senate Bill and ordered same sent forthwith to the House:

By Senator Barron (With Notice and Proof):

S. 470. Relating to DeKalb County; to provide for the election of the DeKalb County Board of Education from five single-member districts; to define the boundaries of the districts; to include within those districts all of DeKalb County except that area located within the corporate limits of the City of Fort Payne; to authorize the board to change the boundaries of the election districts; to establish procedures for making changes; and to repeal Act 426, H. 932, 1955 Regular Session (1955 Acts, p. 971).

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, S. 470, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

McDOWELL LEE, SECRETARY

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 470. Local Legislation No. 1.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and passed the following engrossed Senate Bill and sends same herewith to the House:

By Senators Hill, Dixon, Waggoner, Armistead, Amari, Hale, Smith, Smitherman, and Adams:

S. 239. To provide that a person who has been convicted of a crime that carries a term of imprisonment shall be detained and denied bail unless, after a hearing, a judge makes certain findings.

McDOWELL LEE
Secretary

SENATE MESSAGE

The Senate Bill, the title of which is set out in the foregoing Message from the Senate, was read one time and referred to the Standing Committee as follows:

S. 239. Judiciary.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION OFFERED

Representative Dukes offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 140.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 140, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bills and returns same herewith to the House:

H. 25. Relating to Jefferson County; to assign place numbers to the five positions on the Jefferson County Board of Education.

Also:

H. 249. Relating to Walker County; to amend Section 1 of Act No. 79-658, H. 997 of the 1979 Regular Session (Acts 1979, p. 1140), increasing the term of office of the revenue commissioner.

Also:

H. 632. Relating to Walker County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

Also:

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Boyd, the Budget Isolation Resolution relating to the bill, H. 295, was adopted.

Yeas 75; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Collins, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Maul, McAdory, McClammy, McDaniel, McMillan, Melton, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Vance, Venable, Willis and Wren.

-75

And the bill:

H. 295. (With Amendment): To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Health to the bill, H. 295, said committee amendment being as follows:

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On page 2, line 24, after the word "demonstration" add the following: , and the resulting wastes generated by the Anniston facility

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 80; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Letson, Maull, McAdory, McDaniel, McKee, McMillan, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-80

And the bill:

H. 295. To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Box, Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Layson, Letson, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

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CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 295, as amended.

Representatives Allen, Baker, Black (L), Box, Clark (W), Clouse, Curry, Dukes, Gaines, Galliher, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hayden, Hill, Hilliard, Houston, Jackson, Jorgensen, Knight (A), Laird, Maull, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Perdue, Petelos, Rogers (M), Sanderford, Seibenhener, Sims, Spratt, Thomas (D), Thomas (J), Vance, Venable, Warren and Willis.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative McMillan, the Budget Isolation Resolution relating to the bill, H. 275, was adopted.

Yeas 82; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Box, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Parker (P), Payne, Penry, Perdue, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable and Willis.

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MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has concurred in and adopted the following House Joint Resolution and returns same herewith to the House:

H.J.R. 230. COMMENDING FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH GENE STALLINGS ON HIS MANY LIFETIME ACHIEVEMENTS.

McDOWELL LEE
Secretary

SPECIAL ORDER CALENDAR RESUMED

S. 71 SUBSTITUTED FOR H. 275

In accordance with House Rule 20 and on motion of Representative McMillan, the bill, S. 71, was substituted for the bill, H. 275.

BUDGET ISOLATION RESOLUTION OFFERED

Representative McMillan offered the motion to adopt the Budget Isolation Resolution relating to the bill, S. 71.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, S. 71, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

MOTION TO RECESS ADOPTED

The motion offered by Representative Moore that the House recess from 12:00 o'clock Noon until 1:15 o'clock p.m. was adopted.

Yeas 40; Nays 25.

Yea:

Representatives Buskey, Carothers, Clouse, Curry, Dean, Dolbare, Gaines, Galliher, Gipson, Guin, Hall (L), Haney, Hill, Hilliard, Hinshaw, Johnson (R), Jorgensen, Knight (A), Laird, Letson, Lindsey, McDaniel, Melton, Millican, Moore, Morrison, Morton, Murphree, Page, Papucci, Pringle, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Spratt, Thomas (D), Thomas (J) and Warren.

-40

Nay:

Representatives Carns, Collins, Crigler, Flowers, Gaston, Hall (A), Hamilton, Hawk, Hawkins, Holmes, Houston, Layson, McAdory, Morrow, Newton (C), Newton (D), Payne, Petelos, Robinson, Townsend, Turner, Turnham, Vance, Venable and Wren.

-25

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Penry, the Budget Isolation Resolution relating to the bill, H. 328, was adopted.

Yeas 86; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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Nay:

Representative Knight (J).

- 1

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed the following House Bill and returns same herewith to the House:

H. 540. Relating to Jefferson County; providing for single-member districts for the county governing body, pursuant to the amended federal court order, and related orders, dated October 31, 1985, and subsequently redrawn by resolution of the county commission pursuant to Section 11-3-1.1 of the Code of Alabama 1975; providing for residency requirements for commissioners, the duties and the conduct of its affairs, and the selection of the president of the county commission.

McDOWELL LEE
Secretary

H. 328 TAKEN UP

And the bill:

H. 328. To establish a volunteer health care provider program in the Department of Public Health; to register qualified health care providers willing to volunteer their professional services; to provide for the maintenance of a list of eligible and participating hospitals, clinics, and health care facilities and referral programs in need of volunteer health care services; to make the list available to registered health care providers; and to categorize health care providers registered in the program as state employees for purposes of civil liability.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Page, Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-85

CO-SPONSORS ADDED

The following were added as co-sponsors to the bill, H. 328:

Representatives Allen, Baker, Carothers, Clark (W), Clouse, Crigler, Drake, Gipson, Guin, Hall (A), Haney, Hawk, Hayden, Hill, Houston, Jackson, Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McClammy, McDaniel, McMillan, Millican, Minnifield, Mitchell, Morton, Newton (C), Payne, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Smith, Starkey, Thomas (D), Thomas (J), Townsend, Vance, Venable and Warren.

BUDGET ISOLATION RESOLUTION OFFERED

Representative Penry offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 329.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 329, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 76. To amend Section 13-5A-191 of the Code of Alabama 1975, as last amended by Act No. 96-705, S. 182, 1996 Regular Session, relating to driving under the influence of alcohol and drugs and fines on convictions therefor, to further provide for the \$100 fine for distribution to the Impaired Drivers Trust Fund, after administrative costs; to further provide for the collection and distribution process of certain funds to the Impaired Drivers Trust Fund presently specified in Section 32-5A-191.1 and to repeal Section 32-5A-191.1, Code of Alabama 1975, relating to the fines designated for the Impaired Drivers Trust Fund; and to provide for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 76, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 464. To amend Section 16-8-26, Code of Alabama 1975, relating to personal leave for teachers, to incorporate other existing provisions for education support personnel and to repeal Section 16-8-26.1, Code of Alabama 1975, relating to personal leave of support personnel.

TOMMY CARTER
Chairman

And the bill, H. 464, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 655. Providing for a commercial real estate broker lien; specifying when a claim for lien may be made; providing for the recording of a lien and for notice and the enforcement of a lien in the circuit court; providing for the priority of liens and for the establishment of an escrow account so that a lien may be released; providing for the release, enforcement, or satisfaction of a lien; and providing for a delayed effective date.

TOMMY CARTER
Chairman

And the bill, H. 655, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 262. Providing for in-state travel expenses of certain state officials and amending Section 36-7-20 of the Code of Alabama 1975.

TOMMY CARTER
Chairman

And the bill, H. 262, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolutions, to-wit:

H.J.R. 74. COMMENDING THE ALABAMA INSTITUTE FOR DEAF AND BLIND FOR ITS OUTSTANDING CONTRIBUTIONS TO THE STATE OF ALABAMA AND DESIGNATING 1997 AS THE YEAR OF SPECIALIZED SCHOOLS FOR THE DEAF, BLIND, AND MULTIHANDICAPPED IN ALABAMA.

Also:

H.J.R. 76. COMMENDING CLYNEICE LEDBETTER ON HER PROFESSIONAL ACCOMPLISHMENTS.

Also:

H.J.R. 178. COMMENDING BILL HOMER OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING SERVICE.

Also:

H.J.R. 229. EXTENDING BEST WISHES TO BETTY GULLEDGE FOR A SPEEDY RECOVERY.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTIONS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolutions, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Joint Resolution, to-wit:

H.J.R. 230. COMMENDING FORMER UNIVERSITY OF ALABAMA FOOTBALL COACH GENE STALLINGS ON HIS MANY LIFETIME ACHIEVEMENTS.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE JOINT RESOLUTION

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the House Joint Resolution, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Haney, the Budget Isolation Resolution relating to the bill, H. 291, was adopted.

Yeas 51; Nays 9.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carns, Carothers, Clark (W), Crigler, Dean, Drake, Dukes, Galliher, Gaston, Graham, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hayden, Hilliard, Hinshaw, Holmes, Houston, Knight (J), McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Pringle, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Turner, Vance, Venable and Warren.

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Nay:

Representatives Hamilton, Johnson (R), Laird, Layson, Morrison, Murphree, Payne, Thomas (D) and Townsend.

- 9

And the bill:

H. 291. Amending Sections 28-3-1, 28-3-168, 28-6-1, and 28-7-2 of the Code of Alabama 1975, so as to alter the percentage of alcohol by volume in the definitions of table wine, fortified wine or vinous liquor, and native farm wine.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 46; Nays 25.

Yea:

Mr. Speaker, Allen, Baker, Box, Buskey, Carothers, Clark (W), Clouse, Dean, Dukes, Flowers, Galliher, Gaston, Graham, Hall (A), Hall (L), Haney, Hawk, Hayden, Hilliard, Hinshaw, Holmes, Houston, Johnson (R), Kennedy, Knight (J), McAdory, McMillan, Melton, Minnifield, Morrow, Newton (C), Newton (D), Page, Papucci, Parker (P), Penry, Pringle, Robinson, Smith, Spratt, Thomas (J), Turner, Vance, Venable and Warren.

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Nay:

Representatives Burke, Carns, Collins, Crigler, Dolbare, Drake, Guin, Hamilton, Hawkins, Hill, Hogan, Laird, Layson, McDaniel, Millican, Mitchell, Morrison, Murphree, Payne, Sims, Starkey, Thomas (D), Townsend, Turnham and Willis.

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PERMISSION GRANTED

Permission was granted for the Journal to reflect that in accordance with Article IV, Section 55, Constitution of Alabama 1901, amended, Representative Mitchell dissented to the bill, H. 291, and the following was filed by him:

Pursuant to Section 55 of the Alabama Constitution of 1901, I wish to have my dissent to House Bill 291 spread upon the minutes of the House Journal.

My dissent is founded on the condition/s that follow: that increases in the alcohol content of easily available beverages increases the cost of policing access of intoxicants.

RESOLUTIONS

The following resolutions were introduced:

By Representatives Collins and Layson:

H.J.R. 233. COMMENDING THE MACEDONIA FREE WILL BAPTIST CHURCH ON THE OCCASION OF ITS 150TH ANNIVERSARY.

The resolution, H.J.R. 233, was read and referred to the Standing Committee on Rules.

Also:

By Representative Wren:

H.J.R. 234. COMMENDING FLETCHER H. MAJORS, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

The resolution, H.J.R. 234, was read and referred to the Standing Committee on Rules.

Also:

By Representative Morrow:

H.J.R. 235. COMMENDING HERMAN LUTHER HAGOOD ON HIS 83RD BIRTHDAY.

The resolution, H.J.R. 235, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Bedford, Roberts, and Denton:

S.J.R. 72. EXPRESSING OPPOSITION TO THE PLANS OF THE TVA TASK FORCE ON NONPOWER PROGRAMS TO ELIMINATE NONPOWER PROGRAMS, AND EXPRESSING CONCERN OVER THE TREATMENT OF AREA CITIZENS BY THE TASK FORCE.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 72, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Langford, Amari, and Adams:

S.J.R. 73. COMMENDING MARTHA HAWKINS FOR OUTSTANDING ACHIEVEMENT.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 73, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Dixon:

S.J.R. 75. COMMENDING FLETCHER H. MAJORS, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENTS.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 75, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senators Clay, Figures, Adams, Amari, Armistead, Bailey, Barron, Bedford, Biddle, Butler, Davidson, Denton, Dial, Dixon, Escott-Russell, Freeman, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, McClain, Mitchell, Mitchem, Myers, Poole, Roberts, Sanders, Smith, Smitherman, Steele, Waggoner, and Windom:

S.J.R. 76. DESIGNATING DR. GEORGE WASHINGTON CARVER DAY.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 76, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Hammett:

H.R. 236. COMMENDING FRANKLIN D. SHORT ON HIS PROFESSIONAL ACHIEVEMENTS.

Also:

By Representative Robinson:

H.R. 237. COMMENDING THE PISGAH LADY EAGLES BASKETBALL TEAM ON ITS STATE CHAMPIONSHIP.

RECESS

The hour of 12:00 o'clock Noon having arrived and pursuant to the motion heretofore adopted, the House recessed until 1:15 o'clock p.m.

HOUSE RECONVENED

The hour of 1:15 o'clock p.m. having arrived, the House reconvened. The Speaker called the House to order.

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Gaston, the Budget Isolation Resolution relating to the bill, H. 385, was adopted.

Yeas 63; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (M), Burke, Carns, Carter, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham and Willis.

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And the bill:

H. 385. To amend Section 22-21-29, Code of Alabama 1975, relating to the inspection of health care facilities, to prohibit advance disclosure of the dates of inspection of health care facilities.

was taken up.

AMENDMENT OFFERED

Representative Gaston offered the following amendment to the bill, H. 385:

Amend H. 385 on Page 3, line 7 after the word "Services," by striking the word the

Further amend H. 385, Page 3, line 8 after the word "or" by striking the word their and inserting in lieu thereof the word its

Further amend H. 385, Page 3, line 23 after the words "of subsection (b)" by inserting the following: for the purpose of disclosing the information to others

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 68; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Layson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morton, Murphree, Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Townsend, Turner, Turnham, Willis and Wren.

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And the bill:

H. 385. To amend Section 22-21-29, Code of Alabama 1975, relating to the inspection of health care facilities, to prohibit advance disclosure of the dates of inspection of health care facilities.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 77; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Burke, Carns, Carothers, Carter, Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Flowers, Ford, Gaines, Gaston, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Penry, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Page, the Budget Isolation Resolution relating to the bill, H. 368, was adopted.

Yeas 66; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Burke, Carns, Carothers, Clouse, Collins, Curry, Dean, Dolbare, Drake, Flowers, Gaines, Gipson, Guin, Hall (A), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, McAdory, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Payne, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Turnham, Venable, Warren and Willis.

-66

And the bill:

H. 368. (With Substitute): To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Constitution and Elections to the bill, H. 368, said committee substitute being as follows:

To amend Section 17-6-13 of the Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

SUBSTITUTE TO SUBSTITUTE OFFERED

Representative Page offered the following substitute to the bill, H. 368 and to the substitute reported by the Standing Committee on Constitution and Elections.

To amend Section 17-6-13, Code of Alabama 1975, to provide for an increase in compensation for inspectors and clerks.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 368, and the pending substitutes expired and the Speaker proceeded to the next bill on the Special Order Calendar.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bills, to-wit:

H. 25. Relating to Jefferson County; to assign place numbers to the five positions on the Jefferson County Board of Education.

Also:

H. 249. Relating to Walker County; to amend Section 1 of Act No. 79-658, H. 997 of the 1979 Regular Session (Acts 1979, p. 1140), increasing the term of office of the revenue commissioner.

Also:

H. 632. Relating to Walker County; providing that the judge of probate shall void any motor vehicle license when payment for the license is noncollectible.

Also:

H. 634. Relating to Walker County; authorizing the county commission to levy and collect additional privilege license taxes and fees; and providing that taxes levied under this act shall become law without a referendum unless otherwise required by local law.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILLS

The Speaker of the House, in the presence of the House, immediately after the titles had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bills, the titles of which are set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that it has examined the following House Bill, to-wit:

H. 540. Relating to Jefferson County; providing for single-member districts for the county governing body, pursuant to the amended federal court order, and related orders, dated October 31, 1985, and subsequently redrawn by resolution of the county commission pursuant to Section 11-3-1.1 of the Code of Alabama 1975; providing for residency requirements for commissioners, the duties and the conduct of its affairs, and the selection of the president of the county commission.

And finds same correctly enrolled.

TOMMY CARTER
Chairman

SIGNING OF HOUSE BILL

The Speaker of the House, in the presence of the House, immediately after the title had been publicly read by the Clerk, the reading at length having been dispensed with by a two-thirds vote of a quorum present, signed the Bill, the title of which is set out in the foregoing Report of the Standing Committee on Rules.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 295. To provide that the current chemical stockpile plan, as written by the United States Army shall not change to permit the disposal facility to be permitted and constructed and operated at the Anniston Army Depot for any purpose other than to destroy the stockpile of chemical agents and components existing as of the effective date of this act.

TOMMY CARTER
Chairman

And the bill, H. 295, as engrossed, was ordered sent to the Senate.

SPECIAL ORDER CALENDAR RESUMED

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Newton (D), the Budget Isolation Resolution relating to the bill, H. 52, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Carter, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 52. (With Substitute): To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Judiciary to the bill, H. 52, said committee substitute being as follows:

**A BILL
TO BE ENTITLED
AN ACT**

To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited as the "Drug-Dealer Liability Act."

Section 2. The Legislature finds and declares the following:

(1) Although the criminal justice system is an important weapon against the marketing of illegal controlled substances, the civil justice system can and must also be used. The civil justice system can provide an avenue of compensation for those who have suffered harm as a result of the marketing and distribution of controlled substances. The persons who have joined the marketing of illegal controlled substances should bear the cost of the harm caused by that market in the community.

(2) The threat of liability under this act serves as an additional deterrent to a recognizable segment of the network for illegal controlled substances. A person who has assets unrelated to the sale of illegal controlled substances, who markets illegal controlled substances at the workplace, who encourages friends to become users, among others, is likely to decide that the added cost of entering the market is not worth the benefit. This is particularly true for a first-time, casual dealer who has not yet made substantial profits. This act provides a mechanism for the cost of the injury caused by illegal drug use to be borne by those who benefit from illegal drug dealing.

(3) This act imposes liability against all participants in the marketing of illegal controlled substances, including small dealers, particularly those in the workplace, who are not usually the focus of criminal investigations. The small dealers increase the number of users and are the people who become large dealers. These small dealers are most likely to be deterred by the threat of liability.

Section 3. The purposes of this act are as follows:

(1) To provide a civil remedy for damages to persons in a community injured as a result of the use of an illegal controlled substance. These persons include parents, employers, insurers, governmental entities, and others who pay for drug treatment program or employee assistance programs, as well as infants injured as a result of exposure to controlled substances in utero. This act will enable them to recover damages from those persons in the community who have joined the marketing of illegal controlled substances.

(2) To shift, to the extent possible, the cost of the damage caused by the existence of the market for illegal controlled substances in a community to those who illegally profit from that market.

(3) To establish the prospect of substantial monetary loss as a deterrent to those who have not yet entered into the distribution market for illegal controlled substances.

(4) To establish an incentive for users of illegal controlled substances to identify and seek payment for their own treatment from those dealers who have sold illegal controlled substances to the user in the past.

Section 4. The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

(1) **INDIVIDUAL USER OF AN ILLEGAL CONTROLLED SUBSTANCE.** The individual whose use of a specified illegal controlled substance is the basis of an action brought under this act.

(2) **LEVEL 1 OFFENSE.** The possession for sale of less than four ounces or the sale or furnishing of less than one ounce of a specified illegal controlled substance, or the cultivation of at least 25 plants but less than 50 plants, the furnishing of more than 28.5 grams, or the possession for sale or sale of up to four pounds, of marijuana.

(3) **LEVEL 2 OFFENSE.** The possession for sale of four ounces or more but less than eight ounces of, or the sale or furnishing of one ounce or more but less than two ounces of, a specified illegal controlled substance, or the cultivation of at least 50 but less than 75 plants, the possession for sale of four pounds or more but less than eight pounds, or the sale or furnishing of more than one pound but less than five pounds, of marijuana.

(4) **LEVEL 3 OFFENSE.** The possession for sale of eight ounces or more but less than 16 ounces of, or the sale or furnishing of two ounces or more but less than four ounces of, a specified illegal controlled substance, or the cultivation of at least 75 but less than 100 plants, the possession for sale of eight pounds or more but less than 16 pounds, or the sale or furnishing of more than five pounds but less than 10 pounds, of marijuana.

(5) **LEVEL 4 OFFENSE.** The possession for sale of 16 ounces or more of, or the sale or furnishing of four ounces or more of, a specified illegal controlled substance, or the cultivation of 100 plants or more of, the possession for sale of 16 pounds of, or the sale or furnishing of more than 10 pounds, of marijuana.

(6) **MARKETING OF ILLEGAL CONTROLLED SUBSTANCES.** The possession for sale, sale, or distribution of a specified illegal controlled substance.

(7) **PARTICIPATE IN THE MARKETING OF ILLEGAL CONTROLLED SUBSTANCES.** To transport, import into this state, sell, possess with intent to sell, furnish, administer, or give away, or offer to transport, import into this state, sell, furnish, administer, or give away a specified illegal controlled substance. "Participate in the marketing of illegal controlled substances" does not include the purchase or receipt of an illegal controlled substance for personal use only.

(8) **PERSON.** An individual, governmental entity, corporation, firm, trust, partnership, or incorporated or unincorporated association, existing under or authorized by the laws of this state, another state, or a foreign country.

(9) **PERIOD OF ILLEGAL USE.** In relation to the individual user of an illegal controlled substance, the time of the individual's first illegal use of an illegal controlled substance to the accrual of the cause of action.

(10) **PLACE OF ILLEGAL ACTIVITY.** In relation to the individual user of an illegal controlled substance, each county in which the individual illegally possesses or uses an illegal controlled substance during the period of the use of an illegal controlled substance by an individual.

(11) **PLACE OF PARTICIPATION.** In relation to a defendant in an action brought under this act, each county in which the person participates in the marketing of illegal controlled substances during the period of the participation of a person in the marketing of illegal controlled substances.

(12) **SPECIFIED ILLEGAL CONTROLLED SUBSTANCE.** Cocaine, phencyclidine, heroin, methamphetamine and any other illegal controlled substance the manufacture, cultivation, importation into this state, transportation, possession for sale, furnishing, administering, or giving away of which is a criminal offense.

Section 5. (a) A person who knowingly participates in the marketing of illegal controlled substances within this state is liable for civil damages as provided in this act. A person may recover damages under this act for injury resulting from the use of an illegal controlled substance by another person.

(b) A law enforcement officer or agency, the state, or a person acting at the direction of a law enforcement officer or agency or the state is not liable for participating in the marketing of illegal controlled substances, if the participation is in furtherance of an official investigation.

Section 6. (a) Any one or more of the following persons may bring an action for damages caused by the use of an illegal controlled substance by another person:

(1) A parent, legal guardian, child, spouse, or sibling of the individual controlled substance user.

(2) An individual who was exposed to an illegal controlled substance in utero.

(3) An employer of the individual user of an illegal controlled substance.

(4) A medical facility, insurer, employer, or other nongovernmental entity that funds a drug treatment program or employee assistance program for the individual

user of an illegal controlled substance or that otherwise expended money on behalf of the individual user of an illegal controlled substance. No public agency other than a public agency medical facility shall have a cause of action under this act.

(5) A person injured as a result of the willful, reckless, or negligent actions of an individual user of an illegal controlled substance.

(b) A person entitled to bring an action under this section may seek damages from one or more of the following:

(1) A person who sold, administered, or furnished an illegal controlled substance to the individual user of the illegal controlled substance.

(2) A person who knowingly participated in the marketing of illegal controlled substances, if all of the following apply:

a. The place of illegal activity by the individual user of an illegal controlled substance is within the city or unincorporated area of the county in which the place of participation of a defendant is situated.

b. The participation of a defendant in the marketing of illegal controlled substances was connected with the same type of specified illegal controlled substance used by the individual user of an illegal controlled substance, and the defendant has been convicted of an offense for that type of specified illegal controlled substance.

c. The defendant participated in the marketing of illegal controlled substances at any time during the period the individual user of an illegal controlled substance illegally used the controlled substance.

d. The underlying offense for the conviction of the specified illegal controlled substance occurred in the same county as the individual user's place of use.

(c) As used in subsection (b)(2), "knowingly participated in the marketing of illegal controlled substances," means a conviction for transporting, importing into this state, selling, possessing with intent to sell, furnishing, administering, or giving away, or offering to transport, import into this state, sell, furnish, administer, or give away a specified illegal controlled substance or a quantity of marijuana specified in subdivisions (2), (3), (4), or (5) of Section 4, which are separate in time.

(d) A person entitled to bring an action under this section may recover the following damages:

(1) Economic damages, including, but not limited to, the cost of treatment and rehabilitation, medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, support expenses, and expenses related to accidents or injury, and any other pecuniary loss proximately caused by the use of an illegal controlled substance.

(2) Noneconomic damages, including, but not limited to, physical and emotional pain, suffering, physical impairment, emotional distress, mental anguish, disfigurement, loss of enjoyment, loss of companionship, services and consortium, and other nonpecuniary losses proximately caused by the use of an illegal controlled substance by an individual.

(3) Exemplary damages.

(4) Reasonable attorney fees.

(5) Costs of suit, including, but not limited to, reasonable expenses for expert testimony.

Section 7. (a) An individual user of an illegal controlled substance may not bring an action for damages caused by the use of an illegal controlled substance, except as otherwise provided in this section. An individual user of an illegal controlled substance may bring an action for damages caused by the use of an illegal controlled substance only if all of the following conditions are met:

(1) The individual personally discloses to narcotics enforcement authorities all of the information known to the individual regarding all that individual's sources of illegal controlled substances.

(2) The individual has not used an illegal controlled substance within the 30 days before filing the action.

(3) The individual continues to remain free of the use of an illegal controlled substance throughout the pendency of the action.

(b) A person entitled to bring an action under this section may seek damages only from a person who transported, imported into this state, sold, possessed with intent to sell, furnished, administered, or gave away the specified illegal controlled substance actually used by the individual user of an illegal controlled substance.

(c) A person entitled to bring an action under this section may recover only the following damages:

(1) Economic damages, including, but not limited to, the cost of treatment, rehabilitation and medical expenses, loss of economic or educational potential, loss of productivity, absenteeism, accidents or injury, and any other pecuniary loss proximately caused by the person's use of an illegal controlled substance.

(2) Reasonable attorney fees.

(3) Costs of suit, including, but not limited to, reasonable expenses for expert testimony.

Section 8. (a) A third party shall not pay damages awarded under this act, or provide a defense or money for a defense, on behalf of an insured under a contract of insurance or indemnification.

(b) A cause of action authorized pursuant to this act may not be assigned, either expressly, by subrogation, or by any other means, directly or indirectly, to any public or publicly funded agency or institution.

Section 9. A person, whose participation in the marketing of illegal controlled substances constitutes the following level offense, shall be rebuttably presumed to be responsible in the following amounts:

- (1) For a level 1 offense, 25 percent of the damages.
- (2) For a level 2 offense, 50 percent of the damages.
- (3) For a level 3 offense, 75 percent of the damages.
- (4) For a level 4 offense, 100 percent of the damages.

Section 10. (a) Two or more persons may join in one action under this act as plaintiffs if their respective actions have at least one market for illegal controlled substances in common and if any portion of the period of use of an illegal controlled substance overlaps with the period of use of an illegal controlled substance for every other plaintiff.

(b) Two or more persons may be joined in one action under this act as defendants if those persons are liable to at least one plaintiff.

(c) A plaintiff need not participate in obtaining and a defendant need not participate in defending against all the relief demanded. Judgment may be given for one or more plaintiffs according to their respective rights to relief and against one or more defendants according to their respective liabilities.

Section 11. (a) An action by an individual user of an illegal controlled substance is governed by the principles of comparative responsibility. Comparative responsibility attributed to the plaintiff does not bar recovery but diminishes the award of compensatory damages proportionally, according to the measure of responsibility attributed to the plaintiff.

(b) The burden of proving the comparative responsibility of the plaintiff is on the defendant, which shall be shown by clear and convincing evidence.

(c) Comparative responsibility shall not be attributed to a plaintiff who is not an individual user of a controlled substance, unless that plaintiff willfully and knowingly gave the individual user money for the purchase of the illegal controlled substance.

Section 12. A person subject to liability under this act has a right of action for contribution against another person subject to liability under this act. Contribution may be enforced either in the original action or by a separate action brought for that purpose. A plaintiff may seek recovery in accordance with this act and other laws against a person whom a defendant has asserted a right of contribution.

Section 13. (a) Proof of liability in an action brought under this act shall be shown by clear and convincing evidence. Except as otherwise provided in this act, other elements of the cause of action shall be shown by a preponderance of the evidence.

(b)(1) A person against whom recovery is sought who has a criminal conviction pursuant to state laws prohibiting the illegal sale of controlled substances or the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513, 84 Stats. 1236, codified at 21 U.S.C. Sec. 801 et seq.), is estopped from denying participation in the illegal market for controlled substances. Except as provided in subdivision (2), this subsection does not affect the plaintiff's burden of proving paragraphs a., b., c and d. of subdivision (2) of subsection (b) of Section 6.

(2) A conviction pursuant to subdivision (1) is also prima facie evidence of participation of the person in the marketing of a specified illegal controlled substance used by the individual user where that conviction was based upon the person's marketing of that same type of illegal controlled substance.

(c) The absence of a criminal conviction of a person pursuant to subsection (b) against whom recovery is sought does not bar an action against that person in an action pursuant to subdivision (2) of Section 6 or Section 7.

Section 14. A plaintiff under this act, subject to subsection (c) of Section 13, may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award.

Section 15. (a) Except as otherwise provided in this section, a claim under this act shall not be brought more than one year after the defendant furnishes the specified illegal controlled substance. A cause of action accrues under this act when a person who may recover has reason to know of the harm from use of an illegal controlled substance that is the basis for the cause of action and has reason to know that the use of an illegal controlled substance is the cause of the harm.

(b) For a defendant, the statute of limitations under this section does not expire until one year after the individual potential defendant is convicted of a criminal offense involving an illegal controlled substance or as otherwise provided by law.

Section 16. On motion by a governmental agency involved in an investigation or prosecution involving an illegal controlled substance, an action brought under this act shall be stayed until the completion of the criminal investigation or prosecution that gave rise to the motion for a stay of the action.

Section 17. No cause of action shall arise based on any act by a defendant which occurred prior to the effective date of this act.

Section 18. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are repealed.

Section 20. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Vance, Venable, Warren, Willis and Wren.

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And the bill:

H. 52. To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 89; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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BUDGET ISOLATION RESOLUTION OFFERED

Representative Allen offered the motion to adopt the Budget Isolation Resolution relating to the bill, H. 396.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 396, and the pending Budget Isolation Resolution expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Dolbare, the Budget Isolation Resolution relating to the bill, H. 621, was adopted.

Yeas 66; Nays 4.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Crigler, Curry, Dean, Dolbare, Dukes, Galliher, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Payne, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-66

Nay:

Representatives McKee, Sanderson, Sims and Wren.

- 4

And the bill:

H. 621. (With Amendment): To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government to the bill, H. 621, said committee amendment being as follows:

Amend H. 621, on Page 2, Section 3, Line 25, by striking the following:
~~federal;~~

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 57; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Black (M), Box, Boyd, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dolbare, Drake, Dukes, Gipson, Guin, Hall (A), Hill, Hilliard, Hinshaw, Hogan, Hooper, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Laird, Lindsey, Maul, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morton, Murphree, Newton (D), Papucci, Petelos, Robinson, Rogers (J), Rogers (M), Sanderson, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Turner, Vance, Venable, Warren and Willis.

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And the bill:

H. 621. To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 76; Nays 4.

Yea:

Mr. Speaker, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Hooper, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

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Nay:

Representatives McKee, Sims, Thomas (D) and Wren.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Jorgensen, the Budget Isolation Resolution relating to the bill, H. 436, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-86

And the bill:

H. 436. (With Substitute): To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

was taken up.

The question was then on the adoption of the substitute reported by the Standing Committee on Health to the bill, H. 436, said committee substitute being as follows:

A BILL
TO BE ENTITLED
AN ACT

To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) An insurance policy or contract providing for third-party payment or prepayment of health or medical expenses shall include a provision for the payment to a supervising physician for necessary medical or surgical services that are provided by a licensed physician assistant practicing under the supervision of the physician, and pursuant to the rules, regulations, and parameters for physician assistants, if the policy or contract pays for the same care and treatment provided by a licensed physician or doctor of osteopathy.

(b) An insurance policy or contract subject to this section shall not impose a practice or supervision restriction which is inconsistent with or more restrictive than provided by law.

(c) This section shall apply to services provided under a policy or contract delivered, continued, or renewed in this state on or after the adoption of this section, and to any existing policy or contract, on the policy's or contract's anniversary or renewal date, or upon the expiration or the applicable collective bargaining contract, if any, which ever is later.

(d) This section does not apply to policyholders or subscribers eligible for coverage under Title XVIII of the federal Social Security Act or any similar coverage under a state or federal government plan.

(e) For purposes of this section, third-party payment or prepayment includes an individual or group policy or accident or health insurance or individual or group hospital or health care service contract, an individual or group health maintenance organization contract, an organized delivery system contract, a medical service organization created pursuant to Article 6, Chapter 4, Title 10, Code of Alabama 1975, or a preferred provider organization contract.

(f) This section shall not be interpreted to require an individual or group health maintenance organization, an organized delivery system, a medical service organization created pursuant to Article 6, Chapter 4, Title 10, Code of Alabama 1975, or a preferred provider organization or arrangement to provide payment or prepayment to a physician for services provided by a physician assistant, unless the supervising physician of the physician assistant has entered into a contract or other agreement to provide services with the individual or group health maintenance organization, the organized delivery system, the medical service organization, or the preferred provider organization or arrangement.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor or upon the bill otherwise becoming law; and shall become operative on the first day of the third month following enactment.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 85; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-85

And the bill:

H. 436. To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, White, Willis and Wren.

-86

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Knight (J), the Budget Isolation Resolution relating to the bill, H. 669, was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren, Willis and Wren.

-86

And the bill:

H. 669. To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay travel expenses.

was taken up.

SUBSTITUTE OFFERED

Representative Knight (J) offered the following substitute to the bill, H. 669:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay certain travel expenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-7-21, Code of Alabama 1975, is amended to read as follows:

"§36-7-21.

"Persons traveling in the service of the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies, ~~except such institutions of higher learning as are under the control of a board of trustees and Alabama State University, outside the state of Alabama~~ shall be allowed all of their actual and necessary expenses in addition to the actual expenses for transportation; ~~provided that such~~ The travel shall have first been be fully authorized in writing by the governor; ~~provided further, that with~~ With respect to the legislative department, members of the legislature, subordinate officers and employees of the legislature, ~~and the directors and employees of the legislature, and the directors and employees of the legislative departments~~ (legislative reference service, legislative fiscal office, and examiners of public accounts), ~~such~~ travel shall be authorized in writing by the lieutenant governor, for the lieutenant governor and members of the senate, by the speaker of the house, for the speaker of the house and members of the house of representatives, by the secretary of the senate or the clerk of the house for subordinate officers and employees of the legislature, and by the directors for the directors and employees of the legislative departments; ~~and with~~ With respect to the judicial department, ~~and the officers and employees thereof, such~~ travel shall be authorized in writing by the chief justice. Persons representing the excepted institutions of higher learning shall receive authority for out-of-state travel from the presidents of ~~said the~~ institution. Persons representing the state department of agriculture and industries shall receive authorization for out-of-state travel from the commissioner of agriculture and industries. Institutions of higher learning may elect to prepay airline tickets, conference fees, registration fees, or any other travel-related cost that if prepaid would save the state from excess or additional cost, on behalf of persons traveling in the service of the state. ~~The provisions of this~~ This section shall not apply to examiners or other persons designated by the commissioner of insurance to examine or cause to be examined insurance corporations qualified or attempting to qualify in this state when the expense incurred by ~~such the~~ examiner shall be paid by or collected or received from ~~such~~ insurers or persons examined under the provisions of section 27-2-25."

Section 2. This act shall become effective on the first day of the third month following its passage and approval by the Governor, or its otherwise becoming law.

SUBSTITUTE ADOPTED

And the substitute was adopted.

Yeas 91; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Hooper, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-91

And the bill:

H. 669. To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay certain travel expenses.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 95; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, White, Willis and Wren.

-95

MOTION TO ADJOURN LOST

The motion offered by Representative Thomas (J) that the House adjourn until 1:00 o'clock p.m., Tuesday, March 18, 1997, was lost.

Yeas 8; Nays 54.

Yea:

Representatives Black (M), Clark (W), Letson, Maull, McAdory, Rogers (J), Thomas (J) and Turner.

- 8

Nay:

Mr. Speaker, Baker, Boyd, Carns, Carothers, Clouse, Collins, Curry, Dean, Dukes, Gaines, Galliher, Gaston, Gipson, Guin, Hall (A), Hamilton, Hammett, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Johnson (E), Johnson (R), Knight (A), Layson, McDaniel, Melton, Millican, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Papucci, Payne, Petelos, Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Townsend, Venable, Willis and Wren.

-54

SPECIAL ORDER CALENDAR RESUMED**BUDGET ISOLATION RESOLUTION ADOPTED**

On motion of Representative Rogers (M), the Budget Isolation Resolution relating to the bill, H. 167, was adopted.

Yeas 82; Nays 1.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Penry, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Willis and Wren.

-82

Nay:

Representative Johnson (R).

- 1

And the bill:

H. 167. (With Amendment): To amend Sections 11-3-21 and 11-3-23, Code of Alabama 1975, requiring county commissions to publish, on a semiannual basis, an itemized financial report of receipts and expenditures of money for the county, to require publication of an itemized financial report on an annual basis.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Government to the bill, H. 167, said committee amendment being as follows:

Amend House Bill 167 on page 2, line 16, after the word "payable." by inserting the following language: All information included in the annual publication required by this section shall be as contained in the most recent Annual Financial Statement of the county or the most recent audit conducted by the Department of Examiners of Public Accounts.

Further amend House Bill 167 on page 2, lines 18 and 19, by striking the existing language and inserting in lieu thereof the following: as required by this section shall not exceed the published rate for display or classified advertising in the newspaper, including all applicable discounts.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 84; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Willis and Wren.

AMENDMENT OFFERED

Representative Venable offered the following amendment to the bill, H. 167, as amended:

Amend H. 167 on page 2, Line 5 strike the words "October 1" and insert in lieu thereof the words "during the month of October"

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 86; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hammett, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Pringle, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Willis and Wren.

-86

AMENDMENT OFFERED

Representative Payne offered the following amendment to the bill, H. 167, as amended:

Amend House Bill 167 on page 2, line 16, after the word "payable." by inserting the following language: All information included in the annual publication required by this section shall be as contained in the most recent Annual Financial Statement of the county or the most recent audit conducted by the Department of Examiners of Public Accounts. The annual county budget shall also be published with the financial statement.

Further amend House Bill 167 on page 2, lines 18 and 19, by striking the existing language and inserting in lieu thereof the following: as required by this section shall not exceed the published rate for display or classified advertising in the newspaper, including all applicable discounts.

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Black (L), Black (M), Boyd, Burke, Carothers, Clouse, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Millican, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderson, Seibenhener, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-83

PERMISSION GRANTED

Permission was granted for the Journal to reflect that Representative Venable abstained from voting on the bill, H. 167, as amended, due to a possible conflict of interest.

TIME TO DEBATE EXPIRED

In accordance with the resolution, H.R. 228, the time to debate the bill, H. 167, as amended, expired and the Speaker proceeded to the next bill on the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Townsend, the Budget Isolation Resolution relating to the bill, H. 245, was adopted.

Yeas 83; Nays 0.

Yea:

Representatives Baker, Bandy, Black (L), Black (M), Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A),

Hall (L), Hamilton, Haney, Hawk, Hawkins, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Willis and Wren.

-83

And the bill:

H. 245. Relating to insurance, to provide for an effective and efficient system whereby the Commissioner of Insurance may contract with any Alabama institution of higher education for the administration of the examinations of life and disability insurance agents and brokers, and to allow the examination fees for the services to be paid directly to the testing institution in lieu of, but not in excess of, the fees set forth in Section 27-4-2, Code of Alabama 1975, by amending Section 27-8-7, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 88; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Flowers, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Knight (J), Laird, Layson, Letson, Lindsey, Maull, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Minnifield, Mitchell, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

-88

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Black (L), the Budget Isolation Resolution relating to the bill, H. 702, was adopted.

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Yeas 64; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Drake, Galliher, Gipson, Guin, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Lindsey, Maul, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Payne, Penry, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Sanderson, Sims, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Venable, Warren, Willis and Wren.

-64

And the bill:

H. 702. Relating to Sumter County; proposing an amendment to the Constitution of Alabama of 1901; authorizing the Sumter County Commission to levy a three mill ad valorem tax for fire protection.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Crigler, Curry, Dean, Drake, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maul, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Moore, Morton, Murphree, Newton (C), Newton (D), Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Vance, Venable, Warren and Willis.

-69

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Minnifield, the Budget Isolation Resolution relating to the bill, H. 682, was adopted.

Yeas 51; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Dean, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Jackson, Johnson (E), Johnson (R), Kennedy, Knight (A), Letson, Lindsey, McKee, Melton, Minnifield, Morrison, Morrow, Murphree, Page, Payne, Perdue, Pringle, Reed, Robinson, Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Willis and Wren.

-51

Nay:

Representative Curry.

- 1

PRESENCE OF A QUORUM ASCERTAINED

The presence of a quorum was questioned, and the Speaker directed the Clerk to ascertain if there was a quorum present.

The Clerk reported that there was a quorum present.

And the bill:

H. 682. To propose an amendment to the Constitution of Alabama of 1901, to provide that the Legislature, by local act, may provide for the election of the members of the board of education in the City of Fairfield in Jefferson County and may provide further for the operation of the board.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 65; Nays 4.

Yea:

Mr. Speaker, Baker, Bandy, Black (L), Black (M), Box, Boyd, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Dolbare, Drake, Dukes, Galliher, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Letson, Lindsey, Maull, McAdory, McClammy, Melton, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Payne, Perdue, Petelos, Reed, Rogers (J), Rogers (M), Smith, Spratt, Starkey, Thomas (J), Townsend, Vance, Venable, Warren and Willis.

-65

Nay:

Representatives Curry, Gaines, Morton and Sanderson.

- 4

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Sanderson, the Budget Isolation Resolution relating to the bill, H. 528, was adopted.

Yeas 61; Nays 1.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Haney, Hawkins, Hill, Hilliard, Hogan, Johnson (R), Knight (A), Lindsey, McAdory, McClammy, Millican, Minnifield, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Payne, Perdue, Petelos, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable, Warren and Willis.

-61

Nay:

Representative Johnson (E).

- 1

And the bill:

H. 528. Relating to Jefferson County; relating to alcoholic beverages and the sale of wine in Jefferson County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden of proof; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 61; Nays 1.

Yea:

Mr. Speaker, Allen, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hinshaw, Hogan, Houston, Jackson, Johnson (R), Knight (A), Knight (J), Lindsey, McAdory, McClammy, Melton, Millican, Minnifield, Moore, Morton, Murphree, Papucci, Payne, Perdue, Petelos, Pringle, Reed, Rogers (J), Rogers (M), Sanderford, Sanderson, Spratt, Starkey, Thomas (J), Townsend, Turnham, Warren and Willis.

-61

Nay:

Representative Johnson (E).

- 1

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Minnifield, the Budget Isolation Resolution relating to the bill, H. 309, was adopted.

Yeas 51; Nays 4.

Yea:

Mr. Speaker, Black (L), Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Collins, Dolbare, Drake, Dukes, Galliher, Graham, Guin, Hall (A), Hall (L), Hawkins, Hill, Hilliard, Hinshaw, Hogan, Holmes, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, McAdory, McClammy, Melton, Millican, Morrison, Morrow, Murphree, Page, Papucci, Payne, Reed, Robinson, Rogers (J), Sanderford, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turnham, Venable and Willis.

-51

Nay:

Representatives Curry, Gaines, Morton and Sanderson.

- 4

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1125

And the bill:

H. 309. (With Amendment): Relating to Class 1 municipalities; to provide subject to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

was taken up.

The question was then on the adoption of the amendment reported by the Standing Committee on Local Legislation No. 2 to the bill, H. 309, said committee amendment being as follows:

On page 2, line 1, after the language "Section 1.", add the following: (a)

On page 2, after line 7, add the following: (b) This act is designated the "Spratt Act."

AMENDMENT ADOPTED

And the amendment was adopted.

Yeas 76; Nays 0.

Yea:

Mr. Speaker, Bandy, Black (M), Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Knight (A), Lindsey, Maull, McAdory, McClammy, McDaniel, McMillan, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Morton, Murphree, Newton (D), Page, Papucci, Payne, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sanderson, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-76

And the bill:

H. 309. Relating to Class 1 municipalities; to provide subject to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

as amended, was read a third time at length and passed, and ordered engrossed.

Yeas 69; Nays 6.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Dean, Dolbare, Drake, Dukes, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hayden, Hill, Hilliard, Hogan, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Lindsey, Maull, McAdory, McClammy, McMillan, Melton, Millican, Minnifield, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Pringle, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren and Willis.

-69

Nay:

Representatives Curry, Gaines, Hawkins, Morton, Petelos and Sanderson.

- 6

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Turnham, the Budget Isolation Resolution relating to the bill, H. 564, was adopted.

Yeas 69; Nays 0.

Yea:

Mr. Speaker, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (L), Hamilton, Haney, Hawkins, Hill, Hilliard, Hogan, Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McClammy, McDaniel, McKee, McMillan, Millican, Moore, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Perdue, Petelos, Reed, Robinson, Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (D), Thomas (J), Townsend, Turner, Turnham, Vance, Warren, Willis and Wren.

-69

And the bill:

H. 564. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs in Lee County and to provide that public officials in the county may participate in the Employees' Retirement System of Alabama.

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was read a third time at length and passed, and ordered sent forthwith to the Senate without engrossment.

Yeas 83; Nays 0.

Yea:

Mr. Speaker, Allen, Bandy, Black (L), Black (M), Box, Burke, Buskey, Carns, Carothers, Clark (W), Clouse, Collins, Curry, Dean, Dolbare, Drake, Dukes, Gaines, Galliher, Gaston, Gipson, Graham, Guin, Hall (A), Hall (L), Hamilton, Haney, Hawk, Hawkins, Hayden, Hill, Hilliard, Hogan, Holmes, Houston, Jackson, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (A), Knight (J), Laird, Lindsey, McAdory, McClammy, McDaniel, McKee, McMillan, Melton, Millican, Moore, Morrison, Morrow, Morton, Murphree, Newton (C), Newton (D), Page, Papucci, Payne, Penry, Perdue, Petelos, Reed, Robinson, Rogers (J), Rogers (M), Sanderford, Sims, Smith, Spratt, Starkey, Thomas (J), Townsend, Turner, Turnham, Vance, Venable, Warren, Willis and Wren.

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RESOLUTION

The following resolution was introduced:

By Rules Committee:

H.R. 238. BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES; That immediately upon the adoption of this resolution, the following business, in the order set forth below, shall be the special and paramount order of business for the Twelfth legislative day, Thursday, March 13, 1997, taking precedence over the regular order of business or any pending or unfinished business:

And the following bills:

Inst Id	Page
H. 389 (By Buskey)	14
Discrimination in employment based on age, prohib.	
H. 110 (By Fuller)	65
Lyman Ward Military Academy, approp.	
H. 109 (By Fuller)	66
Marion Military Institute, approp.	

H. 108 (By Fuller)	66
Talladega College, approp.	
H. 93 (By Fuller)	65
Tuskegee University, approp.	
H. 425 (By Fuller)	67
Humanities Foundation, approp.	
H. 315 (By Boyd)	15
Law enforcement officers, cert. rights and privileges, receipt and processing of complaints	
On motion of Representative Turner, the resolution, H.R. 238, was adopted.	

SPECIAL ORDER CALENDAR

The House then proceeded with the consideration of the Special Order Calendar.

BUDGET ISOLATION RESOLUTION ADOPTED

On motion of Representative Buskey, the Budget Isolation Resolution relating to the bill, H. 389, was adopted.

Yeas 61; Nays 4.

Yea:

Mr. Speaker, Allen, Baker, Bandy, Box, Boyd, Buskey, Carothers, Clark (W), Clouse, Collins, Dukes, Galliher, Gaston, Graham, Guin, Hall (A), Hall (L), Haney, Hawk, Hilliard, Hinshaw, Hogan, Hooper, Houston, Johnson (E), Johnson (R), Jorgensen, Kennedy, Knight (J), Letson, Maull, McAdory, McClammy, Melton, Millican, Minnifield, Mitchell, Morrison, Morrow, Murphree, Newton (C), Newton (D), Page, Papucci, Parker (P), Perdue, Reed, Robinson, Rogers (J), Sanderford, Sims, Smith, Spratt, Thomas (J), Turner, Turnham, Vance, Venable, Willis and Wren.

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Nay:

Representatives Carns, Dean, Gaines and McKee.

INTRODUCTION OF BILLS

Upon a call of Districts, bills were introduced, severally read one time and referred to appropriate standing committees as follows:

By Representative Hamilton (With Notice and Proof):

H. 778. Relating to Lauderdale County; to provide further for compensation to be paid to the License Commissioner.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 778, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Rogers (M) (With Notice and Proof):

H. 779. Relating to Calhoun County; providing reimbursement to the county, the county commission, or to any municipality in the county for the expenditures for advertising a proposed local law raising revenues for a local entity whether public or private.

COMMITTEE ON LOCAL LEGISLATION NO. 1

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 779, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representative Parker (T):

H. 780. To amend Section 32-6-19 of the Code of Alabama 1975, relating to the imposition of a penalty for driving with a cancelled, suspended, or revoked driver's license; to provide for the impoundment of a motor vehicle operated by a person whose driver's license or driving privilege has been cancelled, suspended, or revoked for any reason; to provide an exception for certain emergencies; to provide the procedure for the impoundment; to provide immunity to the law enforcement officer; create a lien on the vehicle on behalf of the towing company; and to repeal Article 9A, Chapter 5A of Title 32 of the Code of Alabama 1975, the "Safe Streets Act of 1995."

COMMITTEE ON JUDICIARY

By Representatives Turner and White:

H. 781. To amend Section 12-17-140 of the Code of Alabama 1975, to provide further for certain qualifications for supernumerary status for clerks and registers of the district or circuit courts and for certain benefits under the supernumerary system.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 782. Proposing an amendment to Section 46 of the Constitution of Alabama of 1901, relating to the elections for members of the Senate and House of Representatives, to limit the legislative terms and providing that public officials may participate in the Employees' Retirement System of Alabama in lieu of participating in a supernumerary program or system.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives McMillan and Penry:

H. 783. To amend Section 11-50-15 of the Code of Alabama 1975, to provide for an increase in the fee paid to members and the chair of certain public utility boards.

COMMITTEE ON LOCAL GOVERNMENT

By Representative Moore:

H. 784. Relating to child support; to provide for the award of postsecondary educational support; to provide factors for consideration by the court; and to provide exceptions.

COMMITTEE ON JUDICIARY

By Representatives Boyd, Kennedy, Hall (L), and Graham:

H. 785. To make an appropriation from the State General Fund in the amount of \$600,000 to the Rape Crisis Centers for the fiscal year ending September 30, 1998, and to require operations plans and audited financial statements prior to release of any funds.

COMMITTEE ON WAYS AND MEANS

By Representative Turner:

H. 786. To provide for the Alabama Underwater Cultural Resources Act; to provide that certain underwater artifacts, treasure troves, or other resources designated as cultural resources shall be managed and preserved by the Alabama Historical Commission; to prohibit the taking or damaging of those resources, intentionally and knowingly, without a contract or permit with the commission; to authorize the commission to adopt rules pursuant to a management plan for those resources and to exercise other powers to enforce this act; to prescribe criminal penalties and seizures of certain property for violation of the act; and to construe this act together with Section 41-9-249.1, Code of Alabama 1975.

COMMITTEE ON NAVIGATION AND
WATERWAYS

By Representative McAdory (With Notice and Proof):

H. 787. Relating to Jefferson County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

COMMITTEE ON LOCAL LEGISLATION NO. 2

I HEREBY CERTIFY THAT THE NOTICE AND PROOF IS ATTACHED TO THE BILL, H. 787, AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975, ACT NO. 919.

GREG PAPPAS, CLERK

By Representatives Fuller, Clark (J), Hammett, Smith, Dean, Sanderford, Morrison, Seibenhener, Lindsey, and Flowers:

H. 788. To implement the provisions of an amendment to the Constitution of Alabama of 1901, authorizing the state to become indebted and to sell and issue not in excess of \$44,000,000 in principal amount of general obligation bonds of the state for the purpose of providing animal diagnostic laboratories, agricultural and forestry research and educational facilities, and veterinary medicine instructional and research facilities, to authorize Alabama Agricultural Development Authority to sell and issue for the state said bonds and refunding bonds therefor contingent upon the ratification by the qualified electors of the state of said constitutional amendment authorizing such issue, to provide that the said authority shall specify the form and details of said bonds, to provide for the issuance of said bonds in series, to provide for the sale of said bonds, to provide for the temporary investment of the proceeds of said bonds, to provide for the payment of the expenses of issuance of said bonds, to provide for the issuance of refunding bonds for the purpose of refunding any outstanding bonds issued pursuant to said amendment and this act and to provide for the use of proceeds derived therefrom, and to provide for an effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives Fuller, Clark (J), Hammett, Smith, Dean, Sanderford, Morrison, Lindsey, Seibenhener, and Flowers:

H. 789. To propose an amendment to the Constitution of Alabama of 1901, authorizing the issuance of general obligation bonds of the State of Alabama in an aggregate principal amount not exceeding forty-four million dollars (\$44,000,000) for the purpose of providing, equipping, and improving permanent facilities in the state for use as animal diagnostic laboratories, for agricultural and forestry research and education, and for the provision of instruction and research in the field of veterinary medicine in order to provide improved animal health testing for livestock and poultry producers, veterinarians, animal owners, and animal related businesses generally, improved facilities for agricultural and forestry research and education, and new facilities for the provision of instruction and research in the field of veterinary medicine.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representatives Thomas (D), Gaines, Papucci, Allen, Sanderson, McAdory, Houston, Millican, Murphree, Morrison, Galliher, Graham, Boyd, Dukes, Sanderford, McDaniel, Hinshaw, Flowers, Parker (T), Clouse, Willis, Sims, Letson, Hogan, McKee, Gaston, Crigler, Hawkins, Hooper, Moore, Seibenhener, Dean, Penry, and McMillan:

H. 790. Providing a tax credit against state income tax for certain corporations participating in overseas exhibitions.

COMMITTEE ON WAYS AND MEANS

By Representatives Thomas (D), Gaines, Papucci, Allen, Sanderson, McAdory, Houston, Millican, Murphree, Morrison, Galliher, Graham, Boyd, Dukes, Sanderford, McDaniel, Hinshaw, Flowers, Parker (T), Clouse, Willis, Sims, Letson, Hogan, McKee, Gaston, Crigler, Hawkins, Hooper, Moore, Seibenhener, Dean, McMillan, and Penry:

H. 791. Providing a tax credit against state income tax for certain corporations that create jobs through export sales.

COMMITTEE ON WAYS AND MEANS

By Representative Newton (C):

H. 792. To provide for a voluntary check-off designation on state income tax returns for the Alliance for the Mentally Ill of Alabama (AMI) and for the Mental Health Consumers of Alabama (MHCA).

COMMITTEE ON WAYS AND MEANS

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By Representatives Boyd, Jackson, Johnson (R), Willis, Rogers (M), and Sims:

H. 793. To establish the Workforce Development Project; to establish a committee and provide for its duties; to require a report to be made to the Legislature concerning the effectiveness of the program; and to provide for an appropriation.

COMMITTEE ON STATE ADMINISTRATION

By Representatives Payne, Townsend, Carns, and Morton:

H. 794. To amend Section 13A-11-75 of the Code of Alabama 1975, relating to the license to carry a pistol, to authorize the Legislature by local law to allow the sheriff of a county to issue the permits for up to three years and to specify that local law may further provide for the issuance fee.

COMMITTEE ON LOCAL GOVERNMENT

By Representatives Rogers (J), McAdory, and Houston:

H. 795. To amend Section 13A-5-9 of the Code of Alabama 1975; to provide that the sentence of a criminal defendant convicted of a felony would be enhanced if the criminal defendant has a prior felony conviction involving danger to the person; and to provide for the review of the sentence of a criminal defendant whose sentence was enhanced pursuant to Section 13A-5-9 of the Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representative Rogers (J):

H. 796. Proposing an amendment to the Constitution of Alabama of 1901, to phase out existing supernumerary programs and provide that public officials may participate in the Employees' Retirement System of Alabama.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

By Representative Johnson (R):

H. 797. To make an appropriation of \$100,000 from the State General Fund to the Alabama Child Caring Program for the Alabama Caring Program for Children, for the fiscal year ending September 30, 1997, and to require an operations plan within one month after the effective date of this act.

COMMITTEE ON WAYS AND MEANS

By Representative Johnson (R):

H. 798. To provide for continued coverage of group insurance under certain circumstances.

COMMITTEE ON INSURANCE

By Representative Box:

H. 799. To amend Sections 12-16-44, 12-16-57, 12-16-60, 12-16-63, 12-16-64, 12-16-70, 12-16-72, 12-16-76, 12-16-78, 12-16-81, 12-16-83, 12-16-85, and 12-16-86, Code of Alabama 1975, relating to jury selection; so as to provide for the creation of a master jury list in each county or territorial subdivision as required by law and the elimination of jury commissions; to authorize the presiding circuit court judge to select the source lists for compiling a master jury list for the circuit and the Administrative Office of Courts to update the list; to provide further for method of determining the qualifications of jurors; to provide further for the excusal of prospective jurors and the frequency of service; to provide for the maintenance of records relating to jury summoning and qualifying; to delete references to the drawing of names from a jury box and jury commissions; and to repeal Sections 12-16-30 to 12-16-38, inclusive, 12-16-40, 12-16-45 to 12-16-51, inclusive, 12-16-58 to 12-16-59, inclusive, 12-16-61, and 12-16-145, Code of Alabama 1975.

COMMITTEE ON JUDICIARY

By Representatives Morton and Morrison:

H. 800. To provide for distinctive motor vehicle license plates for supporters of the Rotary International; to provide for a fee; to provide for distribution of the net proceeds from the sale of the plates; to provide for an appropriation; and to provide for a delayed effective date.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Clouse, and Hawk:

H. 801. To provide for foreign language interpreters for defendants and witnesses in any criminal or juvenile case; to provide that certain communications between the interpreter and the defendant or witness are privileged; to provide for equipment and services for compliance with the Americans with Disabilities Act [P.L. 101-366] for persons who are parties or witnesses in any case, and to provide for payment for such services, when approved by the courts, in certain cases from the fund within the State General Fund known as "court assessed costs not provided for" or other funds.

COMMITTEE ON WAYS AND MEANS

By Representatives McDaniel, Murphree, Lindsey, Burke, Morrison, Dukes, Graham, Jorgensen, Drake, Page, Millican, Letson, Clark (J), Layson, Hammett, Clouse, Carothers, Johnson (R), Laird, Morrow, and Thomas (D):

H. 802. To amend Section 40-21-83, Code of Alabama 1975, relating to certain utility tax exemptions, to provide further for exemptions for poultry houses.

COMMITTEE ON WAYS AND MEANS

By Representative Hill:

H. 803. To amend Section 8-8-14, Code of Alabama 1975, to increase the monetary amount for surcharges.

COMMITTEE ON BANKING

By Representative Melton:

H. 804. To establish the Scholastic Achievement and Dropout Prevention Demonstration Project; to require a report to be made to the Legislature concerning the effectiveness of the program; and to provide for an appropriation.

COMMITTEE ON WAYS AND MEANS

By Representatives Hooper, McDaniel, Newton (D), Johnson (E), Wren, Page, Lindsey, Galliher, Turnham, Knight (A), Minnifield, Box, McClammy, Willis, Morrison, McAdory, Buskey, Boyd, Houston, Millican, Gipson, Hinshaw, Bandy, Thomas (J), Perdue, Moore, Maul, Hogan, Hilliard, Dean, Seibenhener, Hill, Holmes, Black (M), Letson, Rogers (M), Black (L), Spratt, Smith, Clark (W), Venable, Dolbare, Kennedy, Knight (J), Curry, and Rogers (J):

H. 805. To propose an amendment to Amendment 93, as amended by Amendment 354, to the Constitution of Alabama of 1901, to allow the expenditure of certain motor vehicle related fees and taxes for costs related to public transportation.

COMMITTEE ON WAYS AND MEANS

The above bill was read a first time at length as required by the Constitution.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 669. To amend Section 36-7-21, Code of Alabama 1975; providing that institutions of higher learning may prepay certain travel expenses.

TOMMY CARTER
Chairman

And the bill, H. 669, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 436. To provide for third-party payment or prepayment of health or medical expenses to physicians for services provided by physician assistants working within the parameters of approved practices.

TOMMY CARTER
Chairman

And the bill, H. 436, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 52. To provide a cause of action for those persons who are injured by persons who are convicted of the illegal sale, use, or possession of a controlled substance; to provide damages; and to provide for a statute of limitations.

TOMMY CARTER
Chairman

And the bill, H. 52, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 621. To authorize the Mowa Band of Choctaw Indians, an Alabama nonprofit corporation, and recognized by the State of Alabama as a tribal government, to employ suitable persons as police officers; and to specify the powers and jurisdiction of the police officers.

TOMMY CARTER
Chairman

And the bill, H. 621, as engrossed, was ordered sent to the Senate.

**REPORT OF THE STANDING COMMITTEE
ON RULES ON ENROLLED AND ENGROSSED BILLS**

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 385. To amend Section 22-21-29, Code of Alabama 1975, relating to the inspection of health care facilities, to prohibit advance disclosure of the dates of inspection of health care facilities.

TOMMY CARTER
Chairman

And the bill, H. 385, as engrossed, was ordered sent to the Senate.

MOTION TO ADJOURN LOST

The motion offered by Representative Hamilton that the House adjourn until 1:00 o'clock p.m., Tuesday, March 18, 1997, was lost.

Yeas 31; Nays 41.

Yea:

Representatives Allen, Carns, Crigler, Curry, Dean, Dolbare, Drake, Dukes, Galliher, Graham, Hall (A), Hall (L), Hamilton, Hilliard, Houston, Laird, Letson, McAdory, McKee, Melton, Morton, Newton (C), Papucci, Payne, Pringle, Robinson, Sims, Spratt, Starkey, Townsend and Turnham.

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Nay:

Mr. Speaker, Bandy, Box, Boyd, Burke, Buskey, Carothers, Clark (W), Gaines, Gaston, Gipson, Guin, Hammett, Hawk, Hawkins, Hill, Hinshaw, Holmes, Johnson (R), Kennedy, Knight (A), Knight (J), Maull, McDaniel, McMillan, Millican, Morrison, Murphree, Penry, Perdue, Rogers (J), Rogers (M), Sanderson, Smith, Thomas (D), Thomas (J), Vance, Venable, Warren, White and Wren.

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REPORT OF THE STANDING COMMITTEE ON RULES ON ENROLLED AND ENGROSSED BILLS

Mr. Speaker:

Your Standing Committee on Rules begs leave to report that said committee, in session, has compared the following engrossed bill with the original bill and finds same correctly engrossed, to-wit:

H. 309. Relating to Class 1 municipalities; to provide subject to voter approval of a referendum election on the subject, for the election of the city board of education from nine single-member districts.

TOMMY CARTER
Chairman

And the bill, H. 309, as engrossed, was ordered sent to the Senate.

RESOLUTIONS

The following resolutions were introduced and distributed according to Joint Rule 11:

By Representative Crigler:

H.R. 239. COMMENDING POLICE LIEUTENANT RANDALL LAMEY FOR OUTSTANDING HEROISM.

Also:

By Representative Houston:

H.R. 240. COMMENDING VERA TCHOVGAEVA, DASHA DAOUTOVA, LINDA YAKOUPOVA, ERIC VAIMAN, AND TANYA GRISHINA AND WELCOMING THEM TO ALABAMA.

Also:

The following resolutions were introduced:

By Representative Page:

H.J.R. 241. SPECIFYING THE LEGISLATIVE INTENT OF ACT 95-389

The resolution, H.J.R. 241, was read and referred to the Standing Committee on Rules.

Also:

By Representative Page:

H.J.R. 242. SPECIFYING THE LEGISLATIVE INTENT OF ACT 95-389

The resolution, H.J.R. 242, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has originated and adopted the following Senate Joint Resolution and sends same herewith to the House for its consideration:

By Senator Mitchell:

S.J.R. 77. URGING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REAFFIRM THE EXISTING NATIONAL AMBIENT AIR QUALITY STANDARDS FOR OZONE AND PARTICULATE MATTER.

McDOWELL LEE
Secretary

SENATE MESSAGE

The resolution, S.J.R. 77, the title of which is set out in the foregoing Message from the Senate was read and referred to the Standing Committee on Rules.

CERTIFICATE OF CLERK

To the House of Representatives:

I hereby certify that the House Bills and House Joint Resolutions mentioned were delivered to the Executive Department on the date and hour named and that I hold the receipt of the Executive Department for same.

Delivered to the Governor at 10:27 a.m. on March 13, 1997.

H.J.R. 179	H.J.R. 199
H.J.R. 180	H.J.R. 202
H.J.R. 183	H.J.R. 203
H.J.R. 195	H.J.R. 205
H.J.R. 196	H.J.R. 211
H.J.R. 197	H.J.R. 213
H.J.R. 198	

Delivered to the Governor at 11:53 a.m. on March 13, 1997.

H.J.R. 74	H.J.R. 229
H.J.R. 76	H.J.R. 230
H.J.R. 178	

Delivered to the Governor at 1:43 p.m. on March 13, 1997.

H. 25	H. 634
H. 249	H. 540
H. 632	

GREG PAPPAS
Clerk

ADJOURNMENT

On motion of Representative Buskey, the House adjourned until 1:00 o'clock p.m., Tuesday, March 18, 1997.